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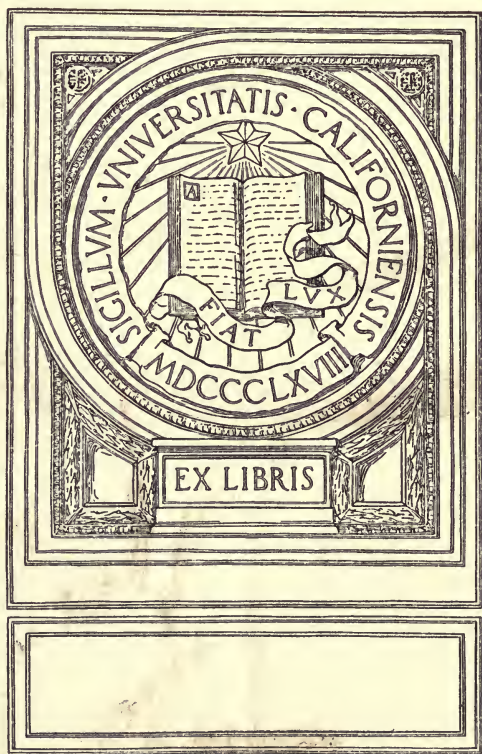


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Volume 3 - Dist. Court.

J M Price

Joan Harris Brewer







THE LAWS
AND
REVISED ORDINANCES
OF THE
CITY OF NEW ORLEANS.

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THE LAWS
AND
GENERAL ORDINANCES

*W Price
Judge 4th Dis. let*

OF THE

CITY OF NEW ORLEANS,

TOGETHER WITH THE

ACTS OF THE LEGISLATURE, DECISIONS OF THE SUPREME COURT,
AND CONSTITUTIONAL PROVISIONS, RELATING
TO THE CITY GOVERNMENT.

REVISED AND DIGESTED,

PURSUANT TO AN ORDER OF THE COMMON COUNCIL,

BY

HENRY J. LEOVY.

NEW ORLEANS:

PRINTED BY E. C. WHARTON, 41 CAMP STREET.

1857.

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Entered according to Act of Congress, in the year 1857, by
HENRY J. LEVY,
In the Clerk's Office of the District Court of the United States, for the
Eastern District of Louisiana.

P R E F A C E .

In July last the Common Council passed a resolution directing the reviser to prepare and publish all the general ordinances of the city of New Orleans, then in existence, together with Acts of the Legislature and Decisions of the Supreme Court relating to the City Government. They also authorized him to frame, from imperfect and conflicting ordinances, new city laws for the action of the council. Under that resolution this work was compiled.

In order to ascertain what city laws remained in existence, it became necessary to carefully examine all ordinances enacted by the several municipality and city councils from the time of the incorporation of the city in 1805, to the present year. During that period of over half a century, few digests were published, and many of the ordinances incorporated in this book were contained only in old files of newspapers and manuscript works.

Some idea of the extent of the labor may be inferred from the fact that, since the consolidation of the city in 1852, a period of but four years, the Common Council have adopted over *thirty-three hundred* ordinances and resolutions. All these it was necessary to carefully examine, not only for the purpose of selecting such city laws as remained in existence, but in order to ascertain how far they repealed, modified or controlled ordinances previously enacted.

Under the authority to prepare new ordinances the compiler wrote and submitted to the council those relative to "Offenses and Nuisances;" "Balls, Theaters, etc.;" "Coffee Houses;" "Cemeteries and Interments;" "Buildings;" "Fire Limits;" "Preventing and Extinguishing Fires;" "Powder and Powder Magazines;" "Negro Traders;" "Trees;" "Stables;" "Vehicles," etc., which were all adopted.

It will be observed that his authority to prepare new laws was confined to cases of conflicting and imperfect ordinances. He was therefore without power to correct mere verbal inaccuracies, of which, it is feared, too many will be found in this book.

It is hoped that this statement of the difficulties with which he has had to contend, and the short time allotted for preparation, will sufficiently account for the imperfections of the work.

All the ordinances are here printed as they were adopted, except that in most instances the enacting clauses are omitted. Where acts of the Legislature have been found too long for insertion, the compiler was unable to do more than refer to the volumes and pages, in which they were to be found. In the citations of Decisions of the Supreme Court to the sixth Annual, he has made free use of Mr. HENNEN'S excellent Digest of Supreme Court Decisions.

It would be unjust to omit here an acknowledgement of the services of the finance committees of the Common Council, of whom Messrs. L. H. PLACE and N. E. BAILEY are the efficient chairmen. To these gentlemen the compiler is under obligations for their suggestions and efficient co-operation.



INTRODUCTION.

HISTORICAL SYNOPSIS.

In April, 1682, Robert Chevalier de La Salle, under the patronage of Louis XIV and the Prince de Conti, descended and explored to its mouth the Mississippi river. After an observance of the usual ceremonies, he assumed possession of the country, and claimed for France, by right of discovery, the vast territory through which the river flowed, and in honor of his sovereign, gave to it the name of "Louisiane."

In 1687, La Salle lost his life in an attempt to colonize this country. After his death, Louisiana seems to have been forgotten by the French court until the year 1697, when a second and more successful effort was made to plant a settlement in the country, by a company under the command of Lemoyne d'Iberville, during the administration of the Count de Pontchartrain. This party, early in 1699, landed on the coast at a place they called the Bay of St. Louis, but subsequently effected a settlement at the Indian village of BILOXI, where for many years were established the head quarters of the Louisiana colony. Antoine Lemoyne Sauvolle, brother of Iberville, was appointed the first Governor, and another of the brothers—Lemoyne Bienville—the first Lieutenant Governor of Louisiana.

On the 14th September, 1712, Louis XIV granted to Anthony Crozat, by charter, the exclusive commerce for ten years of this province, with many extraordinary privileges, and extended over the country the laws, edicts and ordinances of the realm, and the Custom of Paris. Lamotte Cadillac was appointed Governor. By a perpetual edict, Louis XV, in 1716, permanently established the Superior Council. It

was composed of the Governor General and Intendant of New France, the Governor of Louisiana, a Senior Counsellor, the King's Lieutenant, two puisné Counsellors and an Attorney General. Its sessions were held monthly, and it exercised the usual powers of colonial councils, and among others the right to determine, in the last resort, all cases, both civil and criminal. In provisional matters, such as in affixing seals, making inventories, etc., the senior counsellor officiated and presided as a judge of the first instance.

Crozat had hoped to carry on an extensive commerce with the Spanish colonies. In this expectation he was disappointed, as the Spaniards, at the request of the English government, refused to permit French vessels to enter their colonial ports. Disappointed, and himself and friends ruined, Crozat, in August 1717, surrendered to his sovereign his charter and commercial rights and privileges. At the time of this surrender, the whole population of the colony—all ages, sexes and colors—did not exceed seven hundred persons.

In August, 1717, the "Western Company" was organized and incorporated in France. To this company the King granted letters-patent, vesting in them the exclusive commerce of Louisiana for twenty-five years; the privilege of granting land allodially; of erecting forts and levying troops; of nominating governors and commanding officers, and the right to exercise full authority over all land, coasts, harbors and islands within the limits of Louisiana, together with unusual and very extensive incidental powers.

Finding Biloxi ill adapted to the requirements of a seat of government, Bienville in 1718, selected the site and founded the city of NEW ORLEANS. Two plans for the city seem to have been executed—one in 1719 by M. de la Tour, chief engineer of the province, and the other in 1723 by M. de Pauger, a royal engineer employed by the Western Company. The land was laid off into sixty-six squares of three hundred feet each—eleven in length along the river, and six in depth, with a protection levee extending some seven miles in front. The squares were separated by streets, and were each divided into twelve lots, of which ten had sixty feet front by one hundred and fifty feet in depth. As the city was subject to annual inundations, every square was surrounded by a ditch or drain to carry off

the water. The lots were gratuitously divided among the resident population.

In January, 1722, when it became the seat of government for the whole Louisiana colony, it contained but two hundred inhabitants, and consisted of "about one hundred log cabins, placed without much order, a large wooden warehouse, two or three dwelling houses that would not have adorned a village, and a miserable storehouse, which had at first been occupied as a chapel." Subsequently, and up to the date of the transfer to the United States, it was regularly fortified and the inhabitants obtained ingress and egress by means of four large gates. The fortifications were defended by military works and mounted with heavy cannon; the gates were closed every night at nine o'clock, after which hour no one was permitted to walk the streets without permission of the Governor.

From time to time plantations were established in the vicinity above and below the city, which were subsequently included within its incorporated limits.

About the time of the removal of the capital to New Orleans, Louisiana was divided into nine cantons which were named New Orleans, Biloxi, Mobile, Alabamons, Natchez, Nachitoches, Yazoo, Arkansas and Illinois.

In 1719, some changes were made in the organization of the Superior Council, and in compliance with the demands of the people, judges were appointed for the several districts of the province. Inferior tribunals were also established, composed of one director of the company and two notable inhabitants for civil suits, and four inhabitants for criminal causes, with power of appeal to the Superior Council. In the city, two of the members of the council held weekly sessions to try cases where the amount involved did not exceed twenty-two dollars.

The Western Company failing in their anticipations, surrendered their charter to the King, in January 1732, and the commerce of the colony thenceforth became equally free to all French subjects. Judge Martin, in his history, says, "It cannot be denied, that while Louisiana was part of the dominion of France, it never prospered but during the fourteen years of the company's privilege."

After the relinquishment of the charter, the Superior Council was remodeled to adapt it to the changes in the administration, and

during the remainder of the French reign, the affairs of the colony were directly superintended by the French Government.

On the third of November, 1762, a secret treaty was signed at Paris, between France and Spain, by which the French King ceded to the Spaniards all of the province of Louisiana, lying to the west of the Mississippi, and that portion lying to the east bounded by the river Iberville, lake Maurepas and Pontchartrain, the Gulf and the Mississippi river, and including the city of New Orleans.

In the following year, (1763,) by a treaty made at Paris in February, between Great Britain, France and Spain, France ceded to Great Britain all her possessions in North America, not already granted to Spain, and Spain gave to Great Britain, Florida, etc. By this treaty the limits of the English and Spanish possessions were "fixed by a line drawn along the Mississippi river, from its source to the river Iberville, and thence by a line in the middle of that stream, and lakes Maurepas and Pontchartrain to the sea," all to the east of this line belonging to Great Britain, and that to the west belonging to Spain. Great Britain gave to that portion of Louisiana acquired from France, the name of West Florida.

In the fall of the year 1766, Don Antonio de Ulloa arrived in New Orleans with two companies of infantry to take possession, in the name of the Spanish King, of the colony of Louisiana. The people resisted, and Ulloa declining to exhibit his authority, was ordered by the Superior Council, in 1768, to leave the country.

On the 18th of August, 1769, Don Alexander O'Reilly, in command of a large Spanish force, arrived in New Orleans, with authority to receive possession of the province. No resistance was made, and on that day, at three o'clock, in the presence of the French and Spanish troops, in the "Place d'Armes" (now Jackson square) the French flag was lowered and that of Spain unfurled, and the government passed from the hands of the French to those of the Spanish authorities.

We have seen, that while Louisiana was under the dominion of France, by the charters of Crozat and the Western Company, the Customs of the provosty and viscounty of Paris, and the laws and ordinances of the kingdom of France, were extended to Louisiana. As O'Reilly made many changes in the system of laws in the province, we will, before

leaving the subject of the French dominion in Louisiana, very briefly explain the nature and history of the "Customs of Paris," and this will be the less unimportant from the fact that the Civil Code, now in existence in Louisiana, owes to those customs many of its important principles.

Before the fifteenth century, the French judges were compelled to decide causes conformably to "customs" of different provinces which had never been reduced to writing. Great uncertainty in the law was the consequence, until Charles VII, in 1453, ordered the "customs" to be written, by commissioners appointed for that purpose, and directed that nothing should be considered or cited as a custom that was omitted in the writings of the commissioners. Notwithstanding this edict, the "custom of Paris" was not reduced to writing until the year 1510, during the reign of Louis XII. This work was divided into sixteen titles, and contained three hundred and sixty-two articles.* Upon these customs were subsequently written able treatises and commentaries by Dumoulin, Chopin, Pithou and others. In addition to these customs, several very important ordinances were adopted in France and extended to Louisiana; among others are the ordinances relative to Civil Proceedings, in 1667; one in relation to criminal law, in 1670; to Commerce, in 1673; to the Marine, in 1681; the black code, in 1685; one relating to Donations, in 1731; to Last Wills and Testaments, in 1735; and one on the subject of Substitutions, in 1737.

O'Reilly's commission as Governor and Captain General of Louisiana, dated April 16, 1769, granted him "special power to establish in this new part of the King's dominions, with regard to the military force, police, administration of justice and finances, such a form of government as might most effectually secure its dependence and subordination, and promote the King's service and the happiness of his subjects."

At this time the city was composed of 468 houses, and there were 3190 inhabitants. The population of the whole colony was 13,538.

O'Reilly abolished the Superior Council, and in its stead substituted the *Cabildo*. This body was composed of six perpetual *Regidores*, two

* Those who wish to see an excellent analysis of the Customs of Paris, are referred to Schmidt's Law Journal for May, 1841, page 15.

ordinary *Alcades*, an Attorney General Syndic, and a Secretary, and over these officers, the Governor presided in person. The regular meetings of the Cabildo were held every Saturday, but the Governor had the power of convening it at any time.

The ordinary Alcades were city judges, and tried civil and criminal cases, when the defendant did not enjoy and claim the right to be tried by a military or ecclesiastical judge. In all important cases appeals were allowed to the Cabildo. This council did not itself sit as an appellate court, but appointed for that purpose two regidores to act with the Alcade who had rendered judgment. In certain classes of cases, appeals were taken from the provincial tribunals to the Captain General, and from him to the Royal Audience in St. Domingo, and thence to the Council of the Indies in Madrid.

The Cabildo was organized on the 1st December, 1769, under the presidency of O'Reilly, who immediately after yielded the office of Governor to Louis de Unzaga, who had been appointed his successor.

The officers consisted of a Captain General, a Governor, vested with civil and military powers; an Intendant, charged with the administration of the revenue and admiralty matters; an Auditor of war and Assessor of Government, whose duty it was to furnish legal advice to the Governor; an Assessor of the Intendancy; Secretaries of the Governor and Intendant; Treasurer and Comptroller; Storekeeper and a Purveyor; Surveyor General; Harbor-Master; Interpreters; Notaries Public; Collector and Comptroller of the customs, and some minor officers. Those who received more than three hundred dollars a year were appointed by the crown, the others by the Governor or Intendants in their respective departments. In 1775, the offices of Governor and Intendant, were united in the person of Unzaga.

In every parish an officer of the army or militia was stationed, as civil and military commandant. He attended to the police and preservation of the peace of the parish, examined the passports of all travellers, and suffered none to remain within his jurisdiction, without the license of the Governor. He also acted in a judicial capacity in suits, where the amount in litigation did not exceed twenty dollars. In other cases he received the petition and answer, reduced to writing

the testimony and transmitted the record to the Governor, by whom it was forwarded to the proper tribunal. He was authorized to punish slaves and to arrest persons charged with offenses, was commissioned as notary public, made inventories and sales of estates, and attended to the execution of judgments rendered in the city against parties residing in his parish.

O'Reilly, in his capacity as Captain General, now issued, for the government of the colony, a system of laws prepared at his order by Uristia and de Rey. They related principally to the institution of suits and proceedings in civil and criminal actions. They were taken from the laws of Castille and the Indies, and designed for the instruction of judges, officers and parties litigant, until a knowledge of the Spanish laws and language could be acquired. In addition to this system, and annexed to it, he published a compendious abridgment of the criminal laws, and some directions concerning last wills and testaments.

Judge Martin, in his history, observes that "from this period it is believed, the laws of Spain became the sole guide of the tribunals in their decisions. As these laws and those of France proceed from the same origin, (the Roman Code,) and there is a great similarity in their dispositions in regard to matrimonial rights, testaments and successions, the transition was not perceived before it became complete, and very little inconvenience resulted from it."

By a special proclamation, the Black Code, given by Louis XV, to the province, was re-enacted.

In 1776, Bernard de Galvez was appointed Governor and Intendant of Louisiana in place of Unzaga, who had received the appointment of Captain General of Caracas.

In 1786, Don Estevan Miro was appointed governor, civil and military, of Louisiana and West Florida. He proclaimed stringent regulations for the government of the people, forbade them leaving the city without passports, required security for the payment of their debts before according them permission to leave, prohibited meetings of citizens without first obtaining his consent, and directed that no one should promenade the streets at night without urgent necessity, and then only with lights.

His successor was Francisco Louis Hector, Baron de Carondelet, a native of France, who was appointed in 1791, and entered upon the duties of his office on the 1st of January, 1792. The city had not previously been lighted, and the police was deficient. In order to remedy these evils a tax of one dollar and twelve cents was imposed on every chimney. The total revenues excluding this tax, amounted to seventy thousand dollars. He caused new fortifications to be built around the city, and erected several forts above, below and behind the city. In May, 1794, under his superintendence, the Canal Carondelet was commenced, to run from the city to one of the branches of the bayou St. John, and it was completed in 1796. During this year the Cathedral, whose foundation had been laid in 1792 by Andre Almonaster, one of the Regidors, was finished at his personal expense.

In 1797, the Regidors in the Cabildo were increased from their former number of six to twelve persons.

Manuel Gayoso de Lemos, in 1797, was appointed Governor. He died in 1799. The Marquis de Casa-Calvo acted as Military Governor until the appointment of his successor, Juan Manuel de Salcedo, in June, 1801.

On the 1st October, 1800, a treaty was concluded at St. Ildefonso between Spain and France, by which Spain promised to cede to France the province of Louisiana. On the 21st March, this cession being effected, steps were made to take possession, and a form of government was adopted for the province. France, however, did not receive possession of Louisiana until the 30th November, 1803, when, in the presence of the French and Spanish officers, the Spanish flag was lowered, and that of France substituted, and a formal delivery was made to the French commissioners. But France did not remain long in possession. By a treaty signed at Paris, on the 30th April, 1803, Louisiana was ceded by France to the United States, and on the 20th December, 1803, the United States received possession of Louisiana, and "the tri-colored flag made room for the striped banner, under repeated peals of artillery and musketry." The French made no change in the laws during the twenty days of their government, and "the return of Louisiana under the dominion of France, and its transfer to the United States, did not for a moment effect the Spanish laws in that province."

The *Fuero Viejo*, *Fuero Juzco*, *Partidas*, *Recopilaciones*, *Leyes de las Indias*, *Autos Accordados* and *Royal Schedules* remained parts of the written law of the territory. "To explain these, Spanish commentators were consulted, and the *corpus juris civilis* and its commentators were resorted to; and to eke out any deficiency, the lawyers who came from France or Hispaniola read Pothier, D'Aguesseau, Dumoulin, etc."

El Fuero Juzco was a compilation of the rules and regulations made for Spain by its National Councils and Gothic Kings, and was published about the year 693. It was the first of the Spanish codes, was originally written in latin, and consisted of twelve volumes. It was translated into Spanish during the reign of Ferdinand III, in the thirteenth century. It was originally called the book of the Judges (*El Fuero de los Jueces*) and corrupted into *Fuero Juzco* the title under which it was printed in 1600. *El Fuero Viejo* was published in 992. It was divided into five books, and contains the ancient customs and usages of the Spanish Nation.

The *Partidas* (deriving its name from its seven parts—*Siete Partidas*) is a digest or code of the laws of Spain made in imitation of the Roman Pandects. It was projected by Ferdinand III, and completed by his son and successor, Alphonso. He nominated four Spanish juriconsults to whom he committed the execution of his plans. They commenced the work in 1256, and accomplished it in seven years; but in consequence of wars and revolutions, it was not promulgated until the year 1343. It is said to be "the most perfect system of Spanish laws," and a code that may be "advantageously compared with any code published in the most enlightened ages of the world." From this work many of the provisions of our Code of Practice have been derived.

The *Recopilacion* of Castille was promulgated in 1567, under the authority and supervision of Phillip II. From that time until 1777 several new editions were published, and in them were incorporated laws, rescripts and edicts, enacted since the first publication of the *recopilacion*. This title was also given to the edicts and orders in council, which the King sanctioned and caused to be published in one volume in the year 1745. This volume is more generally known as the *Autos Accordados*.

The *Leyes de las Indias* were a compilation of laws, first collected and digested by Phillip IV, which had been prepared and published for the

government of the immense colonies of Spain. Being in their arrangement, an imitation of the Recopilacion of Castille, they were called Recopilacion de las Indias, and were published in 1661.

On the 20th of December, 1803, Claiborne the American Governor, announced by proclamation, that the government of Spain and France over Louisiana had ceased, and that thenceforth the people of the United States were to be governed by the laws of the United States.

On the 30th December, he established a court of common pleas composed of seven justices, from which an appeal was allowed to the Governor in all cases of over five hundred dollars.

By an act of Congress of March, 1804, Louisiana was divided into two territories, and that portion, now the State of Louisiana, was denominated the Territory of Orleans. To the Orleans Territory a Governor was appointed for three years, who was empowered to appoint most of the civil and military officers. The legislative power was vested in the Governor and a council composed of thirteen freeholders of the territory. The act created a superior court of three judges, and the Legislature was authorized to establish inferior courts. There was, in addition to these, a United States Court with Circuit court powers.

The President appointed registers and recorders of land titles, who received and recorded titles acquired under the Spanish and French government; and he also appointed commissioners who heard and determined, in a summary manner, all matters respecting land claims. Their proceedings were first reported to the Secretary of the Treasury, and then submitted to Congress for final action. This government thus provided for the Territory of Orleans, went into operation the first of October, 1804.

The first Legislature, which met in December, 1804, divided the territory into twelve counties, and for each created an inferior court composed of one judge, and at the same time, acts were passed regulating the practice of the courts. The definitions of crimes and the mode of proceeding were declared to be in accordance with the principles of the English common law, and the writ of *Habeas Corpus* and trial by jury were introduced. This Legislature passed the first act for the incorporation of the city of New Orleans. The City Council was made to consist of

fourteen Aldermen, and the officers were composed of a Mayor, Recorder, Treasurer, and subordinate officers. This act, which was very long, was prepared with great care, and continued the charter of the city until 1836—when the city was divided into municipalities—and in all the recent city charters, many of its provisions have been retained.

An act was also passed in 1805, creating a committee, composed of members of the Legislature and two members of the bar, instructed to prepare a civil and criminal code. This Legislature adjourned in February, 1805.

In March, 1805, Congress passed another act, providing for the Government of the Territory of Orleans. It authorized the President to establish a form of government in accordance with the ordinance of 1787, and similar, with several minor exceptions, to that of the Mississippi Territory. The Governor, Secretary, and Superior Judges, were appointed by the President by and with the advice and consent of the Senate. The Legislative Council (or Senate) was composed of five, and the House of Representatives, of twenty-five members. The members of the Legislative Council were chosen by the President, from ten persons selected by the Territorial House of Representatives. The members of the House were elected by the people.

The first Legislature, under the new act of Congress, assembled in New Orleans on the 25th January, 1806. They adopted a black code, of which many provisions were retained in the black code recently adopted by the Legislature. They appointed James Brown and Moreau Lislet, members of the bar, commissioners to prepare, with the aid of a committee of the Legislature, a civil code for the use of the Territory, and instructed them "to make the civil law, by which the Territory was governed, the ground work of said code."

The Legislature which met in 1807, abolished the county courts, and in their stead created parish courts—one for each parish, the Judge of which was, ex-officio, Judge of probates and notary.

In 1808, Lislet and Brown, the code commissioners, reported "a Digest of the Civil Laws now in force in the Territory of Orleans, with alterations and amendments adapted to the present system of government," which was approved March 31, 1808. This work is now known

as the old Code of 1808; most of its provisions and its arrangement were taken from the Code Napoleon, a *projet* of which had been received at New Orleans. It only "repealed such parts of the Civil Law, as were contrary to, or incompatible with it." It did not contain many important provisions of the Spanish law, and no rules in relation to the proceedings or practice of the courts. It was therefore decided, that the Spanish laws were to be considered as untouched, when the Digest or Civil Code did not reach them.

In February, 1811, Congress passed an act authorizing the people of the Territory, to make a Constitution and form of government, preparatory to its admission into the Union as one of the States. In November, a convention to frame the Constitution, assembled at New Orleans and completed their labors, and adjourned on the 22d January, 1812. By the Constitution thus prepared, the judicial power was vested in a Supreme court and certain inferior courts. The Supreme court was to be composed of not less than three nor more than five Judges. Its jurisdiction was limited to appellate causes, and extended to civil cases, where the matter in dispute exceeded three hundred dollars. The Convention made the Kentucky Constitution their model, and adopted most of its provisions. This Constitution continued the fundamental law of the State, and unamended until the year 1845.

On the 10th January, 1812, the first steamboat reached New Orleans.

In April, 1812, Congress passed an act for the admission into the Union of the Territory of Orleans, and restored to it the name of LOUISIANA, and the act was to be in force from and after the 30th April. A few days after, another act was passed extending the limits of the new State, so as to include the country south of the Mississippi Territory, and east of the Mississippi, river and the lakes as far as Pearl river.

The first State Legislature of Louisiana assembled on the 27th June, 1812, and their first act was one assenting to the annexation of the new parishes. They organized the Supreme court and made it consist of only three judges. Hall, Mathews and Derbigny were appointed the judges.

On the eight day of January, 1815, the battle of New Orleans was fought.

In February, 1815, François Xavier Martin was appointed a judge of the Supreme court, and continued on the bench until March, 1846.

As many parts of the old Spanish law still continued in existence and remained untranslated, the Legislature, in March, 1819, appointed Lislet and Carleton to translate and publish "such parts of the laws of the Partidas as are considered to have the force of law in this State." This work was completed and published in two volumes, with a preliminary history of the Spanish law.

The old Code of 1808, being found inadequate to the wants of a growing commercial community, Livingston, Derbigny and Lislet were appointed by act March 14, 1822, to remodel it. The new Civil Code prepared by these gentlemen, went into operation in 1825. An act, approved April 12, 1824, declares that it shall be in force from the day of its promulgation, and provides for the mode of promulgating it. In New Orleans, it was thus promulgated on the 20th May, 1825. An article of this Code repeals all laws for which the Code specially provided, and the act of 12th March, 1828, repealed all the old Code of 1808, except so much of title ten as is embraced in its third chapter, which treats of the dissolution of communities or corporations.

As most of the provisions of both the old and new Codes and their general arrangement were derived from the Code Napoleon, a brief history of that work, it is believed, will prove not uninteresting.

We have already seen that Charles VII, by the general ordinance of August, 1453, ordered certain commissioners to reduce the Customs of France to writing, and forbade a citation of other customs, than those thus written. All the customs were reduced to writing between the reigns of Louis XII, and Henry IV. During the sixteenth century the customs were revised by distinguished Jurists, "and the jurisprudence of France began to assume unity and consistency." Dumoulin was one of the first and the ablest of the commentators. He was followed in the seventeenth century by Domat, and in the eighteenth by Pothier, whose great works reduced the French laws to a harmonious system. These great jurists were seconded in their efforts by the French Sovereigns. During the reign of Henry III, Lamoignon and D'Aguesseau, under his direction, prepared the ordinance of 1667, in relation to civil

proceedings ; the ordinance of 1670, concerning criminal law ; that of 1673, relative to commerce ; the ordinance of 1681, on the subject of the marine ; the black code of 1685, and others. Under Louis XV, the following ordinances were adopted :—in 1731, the ordinance relative to donations ; in 1735, that concerning last wills and testaments ; in 1737, the ordinance concerning substitutions ; and in 1771, an ordinance in relation to mortgages ; and many were enacted during the reign of Louis XVI.

Finally, Napoleon, when first consul, appointed commissioners to revise and connect all the ordinances, and make one general Civil Code. The commission was composed of Tronchet, Portalis, Preameneau and Malleville. Their *projet* was submitted to the courts of cassation and appeal, and underwent a rigid examination, first, in the Council of State, where Napoleon participated in the discussions, and then in the Legislative body, and was subjected to the closest scrutiny by all these and other authorities.

By a decree of March, 1804, the civil laws of France were declared to be united in this work, which thenceforth became the law of the land, under the title of the Civil Code of the French. In September, 1807, the title was changed to that of the Code Napoleon, by which name, in spite of the act of August, 1816, it is still known, and cited all over the civilized world.

The Committee of three Jurisconsults, appointed by act of 1822, to revise the Civil Code, were also instructed to prepare a Commercial Code and a Code of Practice. That on Commerce was never adopted ; the Code of Practice was enacted in April, 1824, but in consequence of delay in promulgation, did not become law throughout the State, until 2d October, 1825: It was written in French and translated into English. By an act, approved March 25th, 1828, all rules of practice, with one or two exceptions, not contained in the Code of Practice, are declared repealed, and the act of 12th April, 1824, repeals provisions in the Civil Code conflicting with those of the Code of Practice.

By section 25 of the Act of 1828, before referred to, all the civil laws in force before the promulgation of the Civil Code, with one exception only, were declared abrogated, and thus the Legislature in a law of four

or five lines, swept away those old French, Spanish and Roman laws that had been the guide and government of the people of Louisiana for over a century. It may be well however, to observe that the Supreme Court has decided "that the Spanish, Roman and French civil laws which the Legislature repealed, are the positive, written, or statute laws of those nations, and of this State; and only such as were introductory of a new rule, and not those which were merely declaratory—that the Legislature did not intend to abrogate those principles of law, which had been established or settled by the decisions of courts of justice."*

In 1836, (Act March 8th, 1836) the city was divided into three Municipal corporations, each having a Council, Recorder and other Municipal officers. Above these was a Mayor and General Council for the whole city. Where the Legislative powers of the Councils of the Municipalities ended, and those of the General Council began, was a question of some difficulty, and the source of never ending conflicts and quarrels.

In 1840, the number of Judges of the Supreme Court was increased to five.

In 1845, a new Constitution was created, changing many of the fundamental principles of the Constitution of 1812, and making the basis of our system, conform to that of the neighboring States. This in its turn has already been substituted by the Constitution of 1852, with which all Louisianians are doubtless familiar.

In 1852, the Municipalities were again consolidated into one city government, in which the legislative power was vested in a Board of Aldermen and a Board of Assistant Aldermen, who together formed the Common Council, and the executive power was lodged in the city officers, consisting of a Mayor, Recorders, Treasurer, Comptroller, Surveyor, Street Commissioner and subordinate officers. The city was divided into three School Districts, and for each of them, the Common Council annually elected a Board of School Directors. A few days after the passage of the act of consolidation, another act was adopted by the Legislature, annexing to New Orleans the city of Lafayette, making it a fourth district, in all respects similar to the others,

* See Reynolds vs. Swain, et als, 13 La. Reports, page 193.

and giving it a Recorder, and a Board of School Directors. These statutes have been amended by the new city charter, enacted in March, 1856, but the provisions to which we have briefly alluded, were substantially retained.

It will be perceived by this brief synopsis of the history of our city and state, that while we have retained in our public relations and criminal law all that is good of the English jurisprudence, the system of laws now in existence in Louisiana is the Roman or Civil Law as we have received it from France and Spain, modified by the legislation of their sovereigns and councils, and illustrated and adorned by the commentaries of many generations of learned jurists—and adapted, by the enactments of our own Legislature, to the requirements of an age of commerce, of arts and sciences, and of unparalleled civilization.



GENERAL ORDINANCES

ENACTED SINCE THE CONSOLIDATION OF THE CITY IN 1852. *

Archives—City Ordinance, Nos.....	950, 1171, 1861, 2257.
Assessors.....	134, 974, 3132, 3169, 3210, 3216, 3219, 3223.
Attorney, City.....	14, 229, 342, 481, 1448, 1861, 1980.
Assistant City Attorney.....	{ 15, 915, 1176, 1448, 1713, 1980, 2121, 2324, 2415, 3096.
Awnings, Sheds and Hanging Signs.....	30, 3065, 3188.
Bakery, Bread.....	1471, 1770, 3046.*
Balls, etc.....	290, 481, 3131.
Batture.....	3029.
Bonds and Securities.....	130, 233, 2148, 3205.
Buildings, Builders, etc.....	2044, 3191, 3192.
Burials and Burial Grounds.....	{ 664, 1582, 1857, 1873, 1997, 2205, 2834, 3174.
Cemeteries, (see “Burials,” etc.)	
Census Commissioners.....	18, 39, 192.
Chain Gang.....	1489, 2493, 2902, 3179.
Chimneys—Stoves.....	2179.
City Clock.....	89, 3041.
Claims.....	2370, 2573, 2932, 2975.
Coffee Houses.....	195, 668, 985, 1593, 1947, 1667, 1848, 3134.
Collectors of Taxes, etc.....	27, 164, 167, 2238, 2420.
Committees.....	{ 41, 57, 102, 246, 327, 391, 392, 554, 588, 1015, 1679, 2131, 2175, 2176, 2212, 2321, 2561, 2926, 2932, 2939, 2959, 3136.
Common Council, 330, 1446, 1623, 1633, 2790, 2855, 2866.	
Comptroller....	{ 11, 102, 190, 311, 1442, 1584, 1696, 1986, 2099, 2141, 2175, 2176, 2375, 2588, 2634, 2862, 3017, 2954,
Consolidated City Debt,....	{ 552, 842, 1307, 1308, 1442 §17, 1759, 1928, 1931, 2542, 2603, 2730, 3233.

* The numbers referred to are those of the city. The Ordinances are all kept at the City Hall, and have been numbered since the year 1852.

Contracts and Contractors,	{ 233, 246, 286, 318, 455, 722, 1394, 1494, 1540, 1696, 2156, 2975.
Coroner.....	239, 2254.
Cotton Presses and Pickeries	977, 3150.
Draining	46, 2519, 2587, 2846, 2906.
Elections.....	36, 121.
Evening Gun.....	292, 702, 1824, 3203.
Factories, Slaughter Houses, Tanneries, etc.....	2084, 1601.
Ferries	1937.
Fire	3172.
Fire Department	{ 217, 646 2178, 2206, 2347, 2455, 2492, 2540, 2560, 2744, 2913, 3228.
Fire Bells	{ 188, 511, 618, 1033, 1039, 1802, 1803, 1815, 1898, 1950, 2040, 3042.
Fire Limits	3191.
Fiscal Agent.....	2136, 2141.
Flatboat Basin.....	2204.
Foreign Paupers.....	2203.
Forges, Foundries and Steam Engines.....	3176.
Gas Works Company.....	3171.
Gunpowder and Powder Magazine.....	3193.
Health, Board of.....	1145, 2295.
Houses of Refuge	{ 33, 93, 95, 227, 228, 229, 425, 715, 794, 1015, 1261, 1340, 1440, 2123.
Insane Persons, etc.....	276, 342, 1358, 1794, 1817, 1908, 2323, 3224.
Insurance.....	587, 1820.
Keeper of Court House.....	458.
Lamps, Gas, etc....	355, 671, 1543, 2083, 2137, 2344, 2360, 2802, 2924.
Lewd Women.....	3267, 3318.
McDonough Estate.....	1569, 2134, 2307.
Markets.....	{ 28, 197, 297, 418, 616, 639, 684, 831, 871, 976, 1143, 1767, 1776, 1860, 2029, 2144, 2329, 2419, 2458, 2459, 2467, 2500, 2611, 2677, 2833, 3190.
Mayor.....	416, 1879, 2828, 2203, 2100, Arts. 6 and 7, 2934.
Negroes	1537, 3203.
Negro Traders and Slave Marts.....	3148.
New Orleans	479, 2270, 1986.
Notary, City.....	73, 1696, 2156.
Offenses	{ 500, 688, 789, 1286, 1344, 1590, 1894, 1954, 2074, 2084, 2204, 2218, 2330, 2463, 2533, 2919, — 418, No. 27, 1990, 3121.
Offices and Officers....	{ 806, 1494, 1497, 1955, 2135, 2136, 2173, 2212, 2295, 2324, 2365, 2847, 2848, 2857.
Official Paper, Advertisements, etc. {	4, 19, 20, 129, 803, 806, 1119, 1220 1474, 2221, 2257, 2767, 2866.
Ordinances.....	66, 416, 472, 1256, 1986, 2292, 2950, 3043, 3200.
Orphans	420.
Oysters.....	502, 904, 1098, — 418 Art. 29.
Physicians, City	69.

Police Department..	{ 28, 70, 72, 119, 290, 293, 450, 451, 511, 554, 1013, 1020, 1674, 1776, 2100, 2172, 2366, 3089.
Porters.....	1023, 1366, 2099, 2264.
Pounds.....	{ 465, 684, 746, 751, 1116, 1520, 1755, 1870, 1903, 1983, 2006, 2809.
Powder.....	1376, 3193.
Public Schools..	12, 193, 951, 983, 1084, 1666, 2357, 2132, 2692, 2990.
Quarantine.....	1187, 1933.
Quick Lime.	
Railroads.....	{ 26, 37, 704, 1463, 1464, 1577, 1591, 1698, 1804, 1902, 1929, 2080, 2290, 2524, 2623, 2659, 2689, 2699, 2779, 2785, 2829, 3160.
Recorders.....	{ 170, 407, 546, 554, 951, 1537, 2161, 2627, 2903, 2324, 2369, 2931, 2935, 3211.
Revenue..	{ 521, 535, 658, 668, 719, 826, 904, 985, 1098, 1278, 1331, 1541, 1746, 1903, 1928, 1929, 1930, 1986, 2014, 2033, 2152, 2324, 2531, 2542, 2543, 2545, 2552, 2553, 2608, 2622, 2645, 2646, 3124, 3156, 3160, 3184, 3233, 3234.
Salaries.....	{ 7, 8, 9, 54, 70, 132, 238, 351, 377, 396, 546, 639, 724, 1124, 1200, 1366, 1489, 1509, 1516, 1520, 1623, 1633, 1640, 1668, 1674, 1679, 1794, 1861, 2040, 2100, 2134, 2139, 2165, 2178, 2264, 2316, 2329, 2931, 2934, 2935, 2957, 3017, 3018, 3019, 3106, 3139, 2348, 2349, 2366, 2375, 2406, 2557, 2828, 2855, 3017, 2957, 2941, 3054, 3211, 2926.
Salt.....	490.
Seal, City.....	101.
Slaughter Houses.....	2084.
Slave Marts, etc.....	3148.
Slaves and Free Persons of Color.....	3203.
Smoke Houses.....	3149.
Stables, Dairies, etc.....	1642, 2681, 2873, 3175.
Street Commissioner.	{ 17, 37, 90, 360, 451, 457, 558, 724, 859, 905, 1043, 1387, 1509, 1516, 1531, 1570, 1582, 1586, 1601, 1625, 1937, 2084, 2164, 2165, 2365, 2557, 2683, 2791, 3054, 3069, 3139.
Streets....	{ 145, 278, 296, 299, 395, 533, 642, 703, 724, 751 §6, 799 800, 955, 1031, 1038, 1048, 1131, 1286, 1344, 1504, 1586, 1600, 1625, 1670, 1682, 1717, 1851, 1954, 2115, 2124, 2143, 2222, 2314, 2353, 2354, 2632, 2658, 2683, 2791, 2793, 2842, 2843, 2844, 2864, 2901, 3304.
Sugar Platforms.....	705, 2597.
Surveyor.	{ 50, 133, 136, 238, 359, 455, 724, 1031, 1387, 1509, 1531, 1570, 1640, 1668, 2164, 2166, 2316, 2406, 2957.
Treasurer.....	{ 10, 190, 589, 1064, 1442 §6, 1986, 2141, 2208, 2357 §2, 2633, 2634, 2645, 3106.
Trees.....	3170.
Vehicles.....	{ 796, 751 §5, 1870, 1722, 1727, 1913 §12, 1823, 1859, 2535, 2577, 2920, 3012, 3216.

Water Works.....	2279, 2684, 2949, 3171.
Wharfingers...54,	137, 490, 905, 1147, 1265, 1508, 2237, 2204, 3151.
Wharves.....	{ 56, 68, 164, 279, 309, 396, 490, 549, 640, 661, 665, 686, 691, 713, 719, 878, 898, 1088, 1093, 1102, 1125, 1178, 1196, 1237, 1543, 1588, 1893, 1977, 2003, 2004, 2065, 2229, 2272, 2287, 2364, 2420, 2437, 2577, 2598, 2600, 2682, 2700.
Wharves, Nuisance, and Boats.	{ 49, 242, 359, 822, 921, 1109, 1182, 1389, 1501, 1542, 2267, 2598, 2660. 67, 257, 351, 399, 450, 1608, 1621, 2139, 2150, 2520, 2615, 2638, 2639, 2786, 2854, 2875, 2951, 3006, 3008:
Work-House and Prisons.....	{ 2139, 2150, 2520, 2615, 2638, 2639, 2786, 2854, 2875, 2951, 3006, 3008:



THE LAWS AND REVISED ORDINANCES

OF THE

CITY OF NEW ORLEANS.

ARCHIVES.

No. 1. That the city attorney be, and he is hereby authorized to appoint a clerk at a monthly salary of one hundred dollars, whose duty it shall be, in addition to other duties that may be imposed upon him by the said city attorney, to take charge of all the archives of the late municipalities, and of the general council, and of plans and titles of city property, and of the books and papers appertaining to suits in which the city is interested, and to arrange the same in the office of the city attorney as a portion of the records of his office; the whole to be under the supervision of said city attorney. It shall also be the duty of said clerk to place all the ordinances passed by the common council under their proper heads, so as to form a collection of city laws at all times easy of access and classified for reference.

Keeper of archives and his duties.

City Ordinance, No. 1861.

No. 2. One copy of each newspaper published in the city of New Orleans shall be furnished to the mayor's office and board of assistant aldermen, and it shall be the duty of the secretaries of said offices to keep said newspapers regularly on file as part of the public archives of said city.

Papers to be kept.

City Ordinance No. 2257. See No. 219.

ASSESSORS.—See "BOARD OF ASSESSORS," No. 69.

ATTORNEY, CITY.

Elected every two
years.

No. 3. (1.) The common council shall elect every second year, at their first regular meeting in May, an attorney for the city of New Orleans, who shall be the legal adviser of the common council, and of any officer of the city, upon all matters which may be submitted to him for his opinion.

His office.

No. 4. (2.) He shall keep his office in the city hall, in such room as may be appropriated by the council.

His duties.

No. 5. (3.) He shall represent the corporation in all judicial proceedings, suits, actions, or contestations in which the city may have an interest; and shall prosecute and defend all actions which may be brought by or against the city or any officer thereof, for and by reason of any matter or duty connected with or growing out of their respective offices, or in which the corporation is interested in any court of this State.

Draft ordinances.

No. 6. (4.) He shall draft such ordinances as may be required of him by either board of the common council, or any other committee thereof.

Prepare documents.

No. 7. (5.) He shall, when required by the mayor, treasurer, comptroller, or surveyor, prepare any bond, contract or other document, required by either of said officers; shall inspect, previous to being executed, all accounts or contracts to be made by the corporation; and shall require that the interests of the city be protected therein, by proper and fitting conditions and specifications.

Keep records of
actions, etc.

No. 8. (6.) He shall keep in proper books a record of all actions prosecuted or defended by him, and all proceedings had therein; shall, whenever a judgment shall be rendered against the city, report the same forthwith to the mayor, and to the council, and whenever said judgment may, in his opinion be erroneous, appeal the same, if the same be appealable.

Payment of
moneys.

No. 9. (7.) He shall, immediately upon the recovery of any debt due the corporation, forthwith pay the amount thereof into the city treasury, stating the nature of the debt, the person against whom, and amount and time of recovery.

Semi-annual
reports.

No. 10. (8.) He shall semi-annually, in the months of June and December, report to the council the titles and nature of all actions in his hands, prosecuted or defended by him, and then pending, and undetermined, with such other information in relation thereto as he may consider proper.

No. 11. (9.) The salary paid the city attorney shall be a full Salary. compensation for all services rendered to the corporation or any officer thereof, and no fee or extra compensation shall in any case be paid him.

No. 12. (10.) He shall, upon the expiration of his term of office, or removal therefrom, or resignation thereof, forthwith, on demand, deliver to his successor in office all papers, deeds, or contracts in his hands, belonging to the corporation or delivered to him by any officer of the corporation, and all papers in actions or proceedings prosecuted or defended by him and then pending or undetermined, together with his books of record thereof, and of the proceedings therein. Duties at end of term.

City Ordinance, No. 1448. Approved March 30, 1854.

For his Clerk, see No. 1.

For his duties as to Insane Persons, see No. 386.

“ “ as to House of Refuge, see No. 376.

“ “ as to Injunction Bonds, see No. 25.

ACTS OF THE LEGISLATURE.

SEC. 24. *Be it further enacted, etc.,* That the common council shall, in the month of July next, and every two years thereafter, elect, viva voce, in joint meeting, a treasurer, a surveyor, an attorney, and one assistant attorney, said officers shall enter upon their several offices on the first Monday of August following, and shall hold the same until their successors are qualified, provided that at the first election the comptroller shall be elected for only one year. The present comptroller, treasurer, street commissioner, surveyor, city attorney and assistant city attorney, shall hold over until the first Monday in July next, or until their successors are qualified.—Act of 1856, page 141. Election of attorney.

When they shall go into office.

SEC. 35. *Be it further enacted, etc.,* That the city attorney shall be the legal adviser of the corporation in all matters in which his advice may be necessary, and represent said corporation, within the State, in all judicial proceedings, suits, actions and contestations in which it may have an interest, as hereinafter provided. No extra compensation or fee shall be allowed him; and no other attorney shall in any case be appointed to assist him, unless by a vote of two-thirds of the members present of each Board of the Common Council. He shall receive a salary of \$4,000 per year.—Act of 1856, page 146. Duties of city attorney.

To receive no fees or extra compensation.

Salary of city attorney.

See Act of 1856, page 166, sect. 125.

ATTORNEY, CITY ASSISTANT.

No. 13. (1.) The common council will elect annually, at their first regular meeting in May, an assistant attorney, whose Annually elected

duty it shall be to collect the bills of all defaulting tax payers, all bills of all persons in default liable to license tax, and the fine denounced by law or any ordinance of the city, for violations thereof.

Amended, see No. 23 and 24.

To institute certain suits.

No. 14. (2.) He shall institute all suits against defaulting tax payers in the manner and time and with the formalities required by law; all suits for the recovery of license tax or other dues, immediately after receiving the bill or claim from the comptroller or treasurer, and all suits for the violation of any ordinance, upon the complaint of any officer of the city.

Appeals.

No. 15. (3.) He shall appeal all cases in which judgment shall go against the corporation, unless the city attorney shall, in writing, advise him not to do so.

Weekly reports.

No. 16. (4.) He shall on the first Saturday in each month, report to the comptroller a statement under oath: 1st, of all moneys received by him before judgment: 2d, of all suits prosecuted to judgment, whether the amounts claimed therein have been for or against the corporation, whether execution has been issued thereon, and if so whether collected; 3d, a particular account item by item, of all penalties or other moneys which he may have received, respectively, and on what account, and when paid.

Weekly payments.

No. 17. (5.) He shall forthwith pay over to the treasurer any sum found due by him on such account, and shall take his receipt therefor and forthwith exhibit the same to the comptroller.

His books.

No. 18. (6.) He shall keep in proper books a record of all suits instituted by him, and of all proceedings therein.

Annual report.

No. 19. (7.) He shall annually, in the month of February, report to the common council, the titles of all suits in his hands, prosecuted by him for the corporation, then pending, and uncollected, with the state and nature thereof, and such information as may be proper.

Compensation.

No. 20. (8.) The fees payable to the assistant city attorney by law, for collection of dues to the city, shall be a full compensation as between him and the city for all services rendered by him.

Duty to successor.

No. 21. (9.) He shall, upon the expiration of his term of office, or resignation thereof, or removal therefrom, forthwith, on demand, deliver to his successor in office, all books and papers in his possession, belonging to or delivered to him by any officer of the city, together with his record of suits and proceedings thereon.

No. 22. (10.) He shall, before entering on the discharge of His bond. the duties of his office, give bond in the sum of ten thousand dollars, with two good and sufficient securities conditioned for the faithful performance of the duties of his office; and the council shall have the right to require new or additional securities whenever they deem that given insufficient.

City Ordinance No. 1448. Approved March 30, 1854.

No. 23. (1.) That the eleventh section of the ordinance No. Amending No. 13. 1448, which reads as follows: "The common council will elect annually at their first regular meeting in May, an assistant attorney, whose duty it shall be to collect the bills of all defaulting tax payers, the fine denounced by law or any ordinance of the city for violations thereof," be, and the same is hereby, amended so as to read as follows:

No. 24. (2.) The common council will, annually, at any His election and duties. meeting during the month of April, elect an assistant attorney, whose duty it shall be to collect the taxes due by all defaulting tax-payers, all sums for licenses due this corporation from all persons who shall be in arrears for the same, as well as all fines denounced by law or the ordinances of the city for any infraction of the same; and that the assistant attorney so elected shall enter upon the discharge of his duty on the first Monday of May following his election.

City Ordinance No. 2121. Approved April 14, 1855.

No. 25. That in all cases where injunctions granted against the city or its officers are dissolved, the city attorney in his Injunction bonds department, and the assistant city attorney in his department, be authorized to institute suits on the injunction bonds to recover damages, whenever, in the opinion of these officers, the injunctions were issued without legal cause.

City Ordinance No. 1950.

No. 26. That the city assistant attorney be, and he is hereby Not to sue in certain courts. instructed not to place any claim of the city in suit in any court where the justice or clerk of the court have failed to furnish weekly, full and prompt returns of moneys collected by them; and the assistant attorney is further instructed to report weekly to the council or the finance committee, any such delinquency of any officer of court receiving money for account of this corporation.

City Ordinance No. 1713.

No. 27. That the assistant attorney be and he is hereby Canceling of judgments. authorized, in all cases when he shall be satisfied by proper

evidence that the persons against whom judgment have been rendered in favor of the city for taxes, were not the owners of property assessed to them, to cause said judgments to be cancelled, and that he be required to keep a record of all such cases, which shall be presented to the treasurer, together with his reports of collections.

City Ordinance, No. 2416.

Recording of judgments.

No. 28. The assistant city attorney is hereby directed to cause to be recorded the judgments in favor of the city of amounts of ten dollars and upwards, and that the treasurer be, and he is hereby authorized to pay on the warrant of the comptroller, fifty cents for each insertion of said judgments by the recorder of mortgages.

City Ordinance, No. 1176. See No, 183.

For his duty as to ordinances relative to balls, etc, see No. 62.

See "Comptroller," No. 203.

ACTS OF THE LEGISLATURE,

Act 1856, p. 141, sec. 24, (placed under "Officers.")

Act 1856, p. 159, sec. 107, (placed under "Revenue.")

Act 1856, p. 160, sec. 108, (placed under "Offences.")

Accounts to be balanced weekly between assistant city attorney and treasurer.

SEC. 109. *Be it further enacted, etc.,* That the assistant city attorney shall balance his accounts with the treasurer of the city, and pay over to said treasurer all moneys collected by him for and on account of said city, on each and every Saturday of each and every week; and said accounts so balanced as aforesaid, shall be signed by the attorney making the same, and sworn to before said treasurer, who is hereby authorized to administer an oath for that purpose.—Act 1856, p. 160.

See Act 1833, p. 86.

AUCTIONS AND AUCTIONEERS.

ACTS OF THE LEGISLATURE.

An Act relative to Auctioneers.

Manner of qualifying to act as auctioneer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That any citizen of the State may become an auctioneer for the parish in which he is a qualified voter, and be authorized to sell any real or personal property at public auction, upon giving bond and security, according to law, and taking the oath prescribed by Art. 90 of the Constitution.

Bond of auctioneers.

SEC. 2. *Be it further enacted, etc.,* That before entering on the discharge of his duties he shall execute his bond according to law, with good and solvent securities, conditioned for the faithful performance of all the duties required by law, towards all persons who may employ

him as auctioneer ; and for the prompt payment of the taxes or commissions payable to the State, and of all the sums which he shall receive in his official capacity, belonging to other persons.

SEC. 3. *Be it further enacted, etc.,* That the bonds to be given shall be in the following amounts: Ten thousand dollars for the city and parish of Orleans, and two thousand dollars for the other parishes of the State.

Amount of bonds.

SEC. 4. *Be it further enacted, etc.,* That every auctioneer shall take out an annual license from the auditor of public accounts, authorizing him to do and perform all the business properly belonging to an auctioneer.

License from auditor.

SEC. 5. *Be it further enacted, etc.,* That no person shall act as an auctioneer who is indebted to the State or any municipal corporation, for any tax as an auctioneer, or any license or commission which he has neglected to pay after final judgment rendered against him therefor.

Certain persons disqualified from acting as auctioneers.

SEC. 6. *Be it further enacted, etc.,* That no other person than an auctioneer or a civil officer acting under the authority of some court of the United States or of this State, or the legal representative of a succession of minors, or the sheriff, when there is no auctioneer in the parish, shall exercise the trade or business of an auctioneer, by selling or offering for sale at auction, any property, real or personal, within this State, under a penalty of five hundred dollars for each offence, one-half of the penalty for the informer, when recovered.

Who may exercise the business of auctioneer.

Penalty.

SEC. 7. *Be it further enacted, etc.,* That all property, rights or credits, which shall be sold at public auction, or at private sale by any auctioneer (except such as are or may be exempted by law) shall be subject to a duty of one-half of one per centum of the value or price at which it shall be sold, to be paid by the person who shall sell the same, to be subject, each and every time it shall be stricken off, to duties at the above rates.

Per centum to be paid on property sold at auction.

SEC. 8. *Be it further enacted, etc.,* That any auctioneer who shall neglect to pay into the State Treasury the duties required by law upon auction sales made by him, shall forfeit his license, and in case he refuse to return the same, the auditor of public accounts shall give public notice in the official gazette of the cause for which the license of such auctioneer has been forfeited, and that his license has been withdrawn from him.

Auctioneer in certain cases to forfeit his license.

SEC. 9. *Be it further enacted, etc.,* That every auctioneer in the city of New Orleans shall make out in writing a quarterly account, dated on the last days of March, June, September and December, and shall therein state minutely and particularly ;

Quarterly account to be rendered by auctioneers in New Orleans.

First, The sums for which any goods or effects shall have been sold, at every auction held by him from the date of his last quarterly account.

Second, The days on which sales were made, and the amount of each day's sale.

Third, The amount of all private sales made by himself or any of his partners in commission, and the days on which such sales were made.

Fourth, The amount of duties chargeable on all sales, public or private, mentioned in the account.

Annual statement to be made by auctioneers in the other parishes.

Accounts to be audited by the auditor.

SEC. 10. *Be it further enacted, etc.,* That the auctioneers throughout the State, those in the parish of Orleans excepted, shall settle their accounts with the treasurer annually.

SEC. 11. *Be it further enacted, etc.,* That every such account, within ten days after the day on which it is dated, shall be exhibited to the auditor of public accounts, who is required to audit in the city of New Orleans the accounts of any auctioneer of that parish, and charge a fee of five dollars therefor, and every auctioneer exhibiting an account shall take the following oath before the auditor, and auctioneers of the rest of the State shall take it before any justice of the peace of the parish in which they are authorized to exercise their functions :

Oath to be taken by auctioneers.

“ I do solemnly swear (or affirm) that the account exhibited by me, and to which I have subscribed my name, contains a just and true account of all property of every description, sold or struck off at public sale, or sold by me at private sale on commission, whether subject to duty or not, and the day on which the same were respectively sold ; that I have examined the entry of all sales mentioned in said account, in the book kept by me for that purpose, and fully believe this account to be in all respects correct.”

Oath to be reduced to writing.

SEC. 12. *Be it further enacted, etc.,* That such oath shall be reduced to writing, be endorsed on the account, and be subscribed by the auctioneer taking it ; and every auctioneer of the parish of Orleans, within ten days after he shall have exhibited his account as aforesaid, shall pay for the use of the State, into the treasury thereof, the duties accrued on the sales mentioned in the account.

Duties when to be paid into treasury.

Affidavit to be made by auctioneer in case he has made no sales.

SEC. 13. *Be it further enacted, etc.,* That every auctioneer who, within the period limited for his accounting, shall have made no sales, public or private, of any property, real or personal, liable to auction duties, shall make and subscribe an affidavit of those facts before the auditor or justice of the peace.

Mileage allowed auctioneers.

SEC. 14. *Be it further enacted, etc.,* That in addition to the number of days allowed by the law, within which auctioneers are required to render their accounts and make payment of commissions to the treasurer, they shall be entitled to one dollar for every twenty miles of distance from the seat of government to the parish site of their respective parishes.

Provisions relative to the sale of jewelry by auctioneers.

SEC. 15. *Be it further enacted, etc.,* That it shall be the duty of every auctioneer who shall offer for sale jewelry of any kind or description, to announce to the persons present, in a loud voice, whether the same be gold, silver or base metal, before proceeding to sell the same ; also, whether the article offered is to be sold by the lot or by the piece, and if by the piece, the number of pieces. Every auctioneer who shall offer for sale any jewelry, without first making such announcement, shall, on conviction thereof, pay a fine of not more than one hundred dollars nor less than fifty dollars for each offence, and said sale shall not be binding on the bidder.

SEC. 16. *Be it further enacted, &c.,* That it shall be the duty of every auctioneer, before he shall proceed to sell any cutlery, whether in a box or on a card, to state whether it is to be sold by the piece or in gross, and if by the piece, the number of pieces offered for sale; and every auctioneer who shall neglect or refuse to announce the same shall pay a fine of not more than one hundred dollars nor less than fifty dollars, and the sale shall not be binding on the purchaser.

Sale of cutlery
by auctioneers.

SEC. 17. *Be it further enacted, &c.,* That the purchaser at an auction sale of any watch, plate or jewelry, shall have the right to return it to the auctioneer at any time within twenty hours from the day of the sale, if the watch, plate or jewelry be not of the quality represented by him, and the auctioneer shall return to the purchaser the price of the article; should he refuse to do so, he shall forfeit his license and be liable to a fine of five hundred dollars.

Right of purchaser to return
certain articles
to auctioneer.

SEC. 18. *Be it further enacted, &c.,* That any auctioneer who shall exhibit and offer for sale at auction any article setting forth its value and character, and through the aid of mock bidders induce its purchase by a real bidder, and who shall afterwards substitute any article in lieu of that offered to and purchased by the bidder, shall, on conviction thereof, be fined and imprisoned at the discretion of the court, and any mock bidder at any auction sale so made shall suffer the like penalty.

Relative to mock
bidders.

SEC. 19. *Be it further enacted, &c.,* That it shall not be lawful for any person acting as auctioneer, to purchase, either directly or indirectly, any property at a sale made by him, and any such sale shall be null and void.

Auctioneers prohibited from purchasing at their
own sales.

SEC. 20. *Be it further enacted, &c.,* That auctioneers shall make in person all sales advertised by them, except in case of temporary absence or sickness, in which event they may appoint any one of duly licensed auctioneers of the city or parish to act for them; such appointment shall not be made without the written consent of the securities of the auctioneer, which written consent shall prevent the securities from pleading any exemption from their responsibility on the bond of the auctioneer in consequence of any appointment made under the provisions of this section.

In what cases
one auctioneer
may have a sale
made for him by
another.

SEC. 21. *Be it further enacted, &c.,* That no auctioneer in the city of New Orleans shall, at the same time, have more than one house or store for the purpose of holding his auction of dry goods sales, and one for the purpose of holding his grocery sales. He may sell at different exchanges in the city or at private stores, when called upon to do so by the owners, any kind of moveable or immoveable property. He may sell in the public streets or on the levee all goods sold in original packages as imported, household furniture, and such bulky articles as are usually sold at such places. And every auctioneer, on the first day of November of each year, shall designate, in a writing signed by him, such house or store, and shall also name therein the partner, if any engaged with him in business, and shall deposit the writing or declaration with the auditor.

Restrictions as to
the place of auction sales.

SEC. 22. *Be it further enacted, &c.,* That no auctioneer shall demand or receive a higher compensation for his services than a commission of two and a half per cent, on the amount of any sale, public or private,

Per centage to be
paid auctioneers.

made by him, and on sales of succession property, of property belonging to minors, or in which they may be interested, and on property surrendered by insolvents, made pursuant to an order or decree of any court of the State, by the sheriff or an auctioneer, upon all sums under twenty-five hundred dollars one per cent, and on all sums over that amount one-half of one per cent. In all sales made by the representatives of a succession or syndic of an insolvency they shall charge no commission.

Certain laws repealed.

SEC. 23. *Be it further enacted, etc.*, That all laws or parts of laws conflicting with the provisions of this Act, and all laws on the same subject-matter, except what is contained in the civil code and code of practice, be repealed.—Acts of 1855, p. 106.

An Act relative to Judicial and other Sales made at Public Auction.

Statement in auction sales of time and place of advertising.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That in all auction sales made by sheriffs, auctioneers, or others authorized to sell at public auction, which are required by law to be preceded by advertisement, it shall be the duty of the officer making the sale, in his process verbal or act of sale, to state the manner, time and place of making such advertisements; which statement, when so made, shall be proof of the manner, time and place of making the advertisement.

Effect of such statement.

Proof of sale to be prima facie evidence of legal advertisement.

SEC. 2. That when any question shall arise out of any public sale, made by any person authorized to sell at public auction, and which sale was required by law to be preceded by advertisements, the sale being proved, it shall be prima facie evidence that the legal advertisements were regularly made.

Responsibility for neglect to advertise.

SEC. 3. That if any person authorized by law to sell at public auction shall fail to advertise as required by law, he shall be personally liable for all damages which may result therefrom.

Prescription against informalities growing out of public sale.

SEC. 4. That all informalities connected with or growing out of any public sale, made by any person authorized to sell at public auction, shall be prescribed against by those claiming under such sale, after the lapse of five years from the time of making it, whether against minors, married women, or interdicted persons.

Property to be struck off to highest bidder except in certain cases.

SEC. 5. That all property, real and personal, sold at auction, shall in all cases be struck off to the highest bidder, except such as may be limited, which shall be announced by the auctioneer before the bidding commences; and when the owner, or any person employed by him, shall be such bidder, they shall be subject to the same duties as if struck off to any other person.

All auction sales in New Orleans to be made in the day time except sales of books.

SEC. 6. That all sales of goods in the city of New Orleans by public auction, excepting sales of books, shall be made in the daytime, between sunrise and sunset.

Penalty for not producing certificate of mortgage.

SEC. 7. That it shall not be lawful for any auctioneer, or person acting as such, to sell any real estate or slave, without first producing and reading a certificate of mortgage, showing the mortgages and incumbrances recorded against the property offered, under a penalty of five hundred dollars for each offence, to be recovered by the purchaser.

SEC. 8. That all judicial sales throughout the State, made in pursuance of any order, judgment or decree of any court of this State, (except that of justices of the peace,) shall be made by the sheriff of the parish where such sale is made, except in the cases hereafter provided.

Judicial sales, by whom made.

SEC. 9. That all sales of property of successions, of property belonging to minors, or in which minors are interested, made pursuant to an order or decree of any court of this State, may be made either by the sheriff or an auctioneer of the parish or city in which such sale is to be made, or by the representatives of successions; and it shall be the duty of the court ordering the sale to direct that the same be made by the sheriff or by such auctioneer as shall be selected by the parties or by the representative of the succession.

Succession sales, by whom made.

SEC. 10. That all process-verbals of sales of succession property, signed by the sheriff or other person making the same, by the purchaser and two witnesses, are declared to be authentic acts.

Process verbal declared authentic acts.

SEC. 11. That the sheriff, or other person making sales of succession property on credit terms, shall be authorized to receive for the price the notes of the purchasers, and identify them by description in the adjudication. The securities on the notes shall in all cases be approved by the vendor or the party representing him.

Notes and security, by whom taken.

SEC. 12. That on the registering of such process-verbals of sales in the office of the recorder or register of conveyances of the parish where the property so adjudicated may be situated, the recorder or register shall be authorized to indentify with the sales the notes or bonds received, as above stated, by his paraph, in order that he may raise the mortgage when they shall have been paid.

Duty of recorder or register of conveyances.

SEC. 13. That in all cases where judicial sales of property are required to be made in the parishes of St. Bernard, Plaquemines and Jefferson, it shall be lawful to cry and adjudicate the property in the city of New Orleans, if thereto requested by the party at whose instance the order of sale was issued; and in case of sales under writs if thereto requested by all parties interested.

Certain sales may be made in New Orleans.

SEC. 14. That all laws or parts of laws conflicting with the provisions of this Act, and all laws on the same subject-matter, except what is contained in the civil code and code of practice be repealed.—Acts of 1855, p. 76.

Certain laws repealed.

AWNINGS, SHEDS AND HANGING SIGNS.

No. 29. (1.) It shall not be lawful for the tenants or occupants of stores or dwellings to suspend or hang over the sidewalks or footways, any awnings, sheds or hanging signs, unless the same be at least eight feet above the level of said sidewalks or footways, under a penalty of ten dollars per diem for each and every day

What unlawful.

said awnings, shed or signs remain, after being duly notified for the removal of the same.

Duty of police.

No. 30. (2.) It is made the duty of all police officers to report to the commissioner of streets, or any of his deputies, any infringements of the foregoing section.

Duty of street commissioner.

No. 31. (3.) It is hereby made the special duty of the commissioner of streets, or his deputies, to prosecute to conviction any violations of this ordinance, after due notice has been served as aforesaid.

When to take effect.

No. 32. (4.) This ordinance shall not take effect until after it shall have been published by the mayor in the official journal for twenty days.

Repealing clause.

No. 33. (5.) All ordinances or parts of ordinances, contrary to the foregoing, be, and the same are hereby, repealed.

City Ordinance No. 30. Approved May 17, 1852.

Awnings masking lights, etc.

No. 34. (1.) That the street commissioner be and he is hereby directed to notify all such persons as may have erected awnings or sheds, covering the banquettes in the city, and which in anywise mask any of the street lamps or prevent said lamps from giving a full light on the banquettes and streets, to alter and change the same so as not to obstruct the light from said lamps; and that said awnings or sheds be rendered fire-proof by covering the same with tin, or any substance non-ignitable in the event of fires adjacent; and that in default of compliance on the part of said person or persons, within ten days from said notification, the person or persons, so failing to alter or change said awnings or sheds, shall pay a fine of \$5 for each and every day they shall neglect to make such alteration or change, recoverable before any court of competent jurisdiction, for the use of the city.

To be covered with tin, etc.

Erected under street commissioner.

No. 35. (2.) No person or persons shall hereafter erect any awning or shed within the limits of the city, except under the direction of the street commissioner; all ordinances or parts of ordinances conflicting with the foregoing are hereby repealed.

City Ordinance, No. 3065. Approved Nov. 7, 1856.

Amending No. 34

No. 36. *Resolved*, That ordinance No. 3065 be so amended that awnings alone within the fire limits of the city shall be required to be covered with non-ignitable substances to protect them from fires adjacent.

City Ordinance, No. 3188.

BAKERY.—BREAD.

An Ordinance for establishing the assize and regulating the weight and inspection of bread.

No. 37. (1.) Every person intending to undertake the baking business, or any such person or persons who may be engaged in the same, either in person, or by employing any other person to carry on the said trade or business under his or her directions, or for his or her profit, within the limits of the city of New Orleans, must, previously to his or her commencing in that business, make a declaration of his or her intention at the mayor's office, and have his or her name entered in a book kept for that purpose; and, in default, shall be liable to a fine of twenty-five dollars, recoverable before any court of competent jurisdiction, for the benefit of the city.

Must enter name at mayor's office, etc.

No. 38. (2.) Every baker shall cause all loaf bread whatsoever, which he or she shall bake or cause to be baked, to be marked with the initial letter of his or her name or names, or any other particular mark plainly to be seen, and it shall be the duty of the bakers to make known their respective stamp or mark at the mayor's office, and the said mark shall be designated after their names in the book above mentioned.

Loaves to be marked, etc.

No. 39. (3.) All bakers or other persons using or carrying on the trade or business of a baker, as aforesaid, shall make or cause to be made all their loaf bread of good and wholesome flour, and they shall give it the weight which may be fixed by virtue of the present ordinance or any other ordinance hereafter passed relative thereto, by the common council; and further, all bakers or persons using or carrying on the trade or business of a baker, shall only be allowed to sell or expose for sale, loaves of bread of the value of two dimes, one dime, or half dime, provided every half dime loaf shall have one-half of the weight fixed by the tariff for the one-dime loaf, and every two-dime loaf shall have double the said weight.

Quality of flour, size of loaf, etc.

No. 40. (4.) Bakers, tavern keepers, and other persons selling bread, or offering the same for sale, are required to have weights and scales, duly regulated by the standards; and the inspectors of weights and measures are authorized to proceed to try them, agreeably to the law respecting weights and measures.

Weights and scales.

No. 41. (5.) The mayor will direct the police officers and the commissaries of the several markets to inspect and examine,

Duty of police officers and commissaries of market.

within the several wards and districts of this city, at least once a week, all loaf bread baked by or on account of the bakers, in order to ascertain whether the same is made of good and wholesome flour, whether the same is marked as is hereby required, and to ascertain the weight thereof, and to determine whether the weight be sufficient according to the established assize; and for these purposes every such police officer and commissary duly authorized, shall have power and authority, at any time between the rising and setting of the sun, to enter any bakehouse shop, storehouse, or any other building or inclosure where any loaf bread is or shall be baked, stored, deposited, or kept, as also to enter any tavern or other house, where any loaf bread is deposited or kept, to be sold to the public. And the police officers, watchmen, commissaries of the markets, or other white persons, are duly authorized to stop and detain all bakers or other persons, slaves or free, carrying for sale bread in baskets, or otherwise, through the public streets; and in the two cases aforesaid, after having inspected and weighed said bread, if the police officer, or other persons duly authorized, finds that it is, in whole or in part, unstamped, or wanting in weight, or not baked agreeably to the present ordinance, he shall conduct the offender or offenders before one of the recorders of the several districts, who will pronounce the seizure and confiscation of said bread for the use of the city workhouse, and, in addition, a penalty of twenty-five dollars against the offender, recoverable as aforesaid, for the benefit of the city.

Size of loaf, etc.

No. 42. (6.) The mayor shall publish in the usual papers, every Saturday, an assize of bread for the ensuing week; to this effect he shall estimate a barrel of flour to produce three thousand seven hundred and thirty-two ounces of bread, (American weight) and in order to ascertain the weight of the dime loaf, the number of ounces shall be divided by a number equal to the number of dimes a barrel of flour may be worth in the market at the time of fixing the assize, and adding the five dollars, or fifty dimes, allowed to bakers by the law—the quotient shall be the number of ounces a dime loaf shall weigh.

Size of loaf, etc.

No. 43. (7.) Whenever according to the preceding operation, the fractional parts are less than half an ounce, they shall be taken off the loaf, and when half an ounce or more, an ounce shall be added to it. The whole, moreover, in conformity to the tariff subjoined to the foregoing ordinance.

WEIGHTS OF LOAVES WITH CORRESPONDING PRICES.

Price of Flour per bbl.	20 cent Loaves	10 cent Loaves	5 cent Loaves
\$4 00.....	.....83 ounces	.....41 ounces	.....21 ounces
5 00.....	.....75 do	.....37 do	.....19 do
6 00.....	.....68 do	.....34 do	.....17 do
7 00.....	.....62 do	.....31 do	.....16 do
8 00.....	.....57 do	.....29 do	.....14 do
9 00.....	.....53 do	.....27 do	.....13 do
10 00.....	.....50 do	.....25 do	.....12 do
11 00.....	.....47 do	.....23 do	.....12 do
12 00.....	.....44 do	.....22 do	.....11 do
13 00.....	.....41 do	.....21 do	.....10 do
14 00.....	.....39 do	.....20 do	.....10 do
15 00.....	.....37 do	.....19 do	.....9 do
16 00.....	.....36 do	.....18 do	.....9 do

No. 44. (8.) It shall be lawful for all bakers or other persons carrying on the business within the city aforesaid, to make two kinds of bread; the first shall be of the best superfine, and the second of fine flour, but good and wholesome; the weight of loaves made of the first quality of flour shall be according to the foregoing assize, and the weight of loaves made of the second quality shall weigh one-eighth more; and further, all bread of the first quality shall be stamped with the figure 1, and the second with the figure 2, in addition to the stamp or the mark of the baker, and any baker not complying, shall be liable to a fine of twenty-five dollars, recoverable as aforesaid.

No. 45. (9.) All ordinances and resolutions conflicting with the foregoing be, and the same are hereby, repealed.

City Ordinance, No. 3046. Approved October 30th, 1856.

BALLS, THEATRES AND PUBLIC EXHIBITIONS.

An Ordinance concerning Public Balls, Theatres and Public exhibitions.

No. 46. (1.) It shall not be lawful for any person or persons to give, within the limits of the city, any public balls of whatsoever description, under the penalty of fifty dollars fine for each and every contravention, unless permission in writing, be previously obtained from the mayor, to give said ball or balls, and after payment of license tax.

Permission to be
obtained.

Mayor to close balls, etc.

No. 47. (2.) Whenever the foregoing provision shall be violated, it shall be the duty of the mayor to cause the said ball or balls to be closed immediately by the police.

Duration of the ball.

No. 48. (3.) Every person giving a public ball, who shall prolong the duration of the same beyond the hour fixed by the mayor's permit, shall pay a fine of twenty-five dollars for each and every such offence.

Relative to weapons.

No. 49. (4.) It shall not be lawful for any person to enter into a public ball room with a cane, stick, sword or any other weapon, and every person having such weapon shall, before he enters the ball room, deposit the same at the office, which shall be at the door of the entrance of said ball room. At every public ball, there shall be a person appointed to receive and take care of such articles.

Penalty for carrying arms in ball room, etc.

No. 50. (5.) Every person entering any public ball room in contravention of the above provision, shall pay a fine of five dollars; and every person giving a public ball without having previously established an office at the door of the entrance of the said ball room, and without appointing a person to receive and take care of weapons, in the manner aforesaid, shall pay a fine of twenty-five dollars, for the first offence, and if it be repeated, the offender shall forfeit the right to give any public ball thereafter.

Police for places of amusement.

No. 51. (6.) The mayor shall nominate and appoint a sufficient number of men to be policemen, and to form under that denomination a guard for theatres, public exhibitions and balls, in order there to receive and execute the orders and directions of the mayor and officers of the police, as to what concerns the maintenance of good order in the aforesaid premises. Provided that their number shall not exceed five men for each of such theatres, exhibitions and balls.

Their compensation.

No. 52. (7.) The policemen on guard at said theatres or exhibition, shall be paid by the acting managers or other person having the direction of the said exhibition, at the rate of one dollar and fifty cents for each policeman every time of performance, and every policeman on duty at a ball shall be entitled to require from the person keeping the said ball, the said compensation of one dollar and fifty cents, when the ball ends.

City police.

No. 53. (8.) In no case shall the above mentioned service be at the expense of the city, nor shall any of the men composing the city police be employed on that duty, unless in case of any disturbance breaking out in any of the aforesaid places, and then only until tranquility be restored.

No. 54. (9.) All persons are forbidden to oppose or disturb Opposing police. any of the aforesaid policemen in the legal execution of their office, or to utter against them invectives or opprobrious language in the discharge of their duty, and every person herein offending shall pay a fine of from ten to fifty dollars for every such offence.

No. 55. (10.) No person shall exhibit or cause to be exhibited any dramatic composition, ballet, pantomime or other performance of that kind, in any theatre in the city where all persons are admitted for their money, nor shall any person entertain the public with any display of fireworks, rope dancing or any performance of any kind whatever, without having obtained from the mayor permission for that purpose and paid the tax thereon, Permission and tax. on a penalty of a fine of twenty-five dollars, for every such offence, and the said permission shall express the object and the length of time for which it is granted.

No. 56. (11.) All persons attending any public spectacle are Disorderly acts. forbidden to commit, either at the doors or in the theatre, lobbies, galleries, or corridors, any disorderly acts, to behave riotously, to make any noise, to use violence, insult, indecency, or to offer any kind of aggression, to have their hats on while the curtain is raised, or to smoke in the theatre, the galleries, lobbies, or corridors ; And every person who, on being thereto required by any police officer on duty at the public spectacle, shall neglect or refuse to observe what is prescribed in this section, shall be arrested and fined not less than five nor more than twenty-five dollars.

No. 57- (12.) It shall not be lawful for any white person to occupy any of the places set apart for people of color, and the latter are likewise forbidden to occupy any of the places reserved for white people at any public exhibition or theatre, and any person offending against this section shall immediately leave the place so unduly occupied, or if he refuse or neglect so to do, shall pay a fine of five dollars. Persons of color, etc.

No. 58. (13.) The public officers shall give the necessary Vehicles at places of amusement. orders that the carriages of persons going to public exhibitions be arranged in a convenient manner in the places they shall appoint, so as not to intercept the public passage, or occasion any disorder; and all coachmen are ordered not to leave their horses during the public exhibition, under a penalty of ten dollars, for which fines, masters shall be responsible for their slaves.

No. 59. (14.) The police appointed to maintain order at Hours for police. public exhibitions shall repair to the posts assigned them, at least

half an hour before the opening of the house, and there remain till the spectators shall have retired.

Seats for city officers.

No. 60. (15.) It shall be the duty of managers of places of amusement to reserve, free of all charge, places for the mayor, recorders, the chief of police, and such other of the police as may be necessary to preserve order.

Mayor and surveyor to take steps to prevent accidents.

No. 61. (16.) The mayor and surveyor, as often as they may deem it necessary, shall examine whether theatres and places of public resort be constructed with the requisite solidity and carefully kept in repair, so that the public may assemble there without danger; and they shall adopt suitable measures to prevent accidents that might occur from any negligence in that respect, on the part of the proprietors, tenants, or other persons having the management or direction of the said theatres or places of public resort.

Duty of assistant city attorney.

No. 62. (17.) It shall be the duty of the assistant city attorney to prosecute all violations of this ordinance.

Mayor to preserve order, etc.

No. 63. (18.) By virtue of the powers granted by law to the mayor and city council, the mayor shall cause to be shut up any place of public resort whenever the maintenance of order, the public safety or tranquility may require it.

Copy of this ordinance to be posted, etc.

No. 64. (19.) That a printed copy of the ordinances concerning public balls, theatres, and public exhibitions, be placed in a conspicuous position within the enclosures of said balls, theatres, and public exhibitions, for the purpose of reference; and, that in case of neglect or refusal of the managers or owners of such places to comply with the provisions of this section, they shall be liable to a fine of fifty dollars for said offense, recoverable before any court of competent jurisdiction; and the police officers on duty shall compel the owners of the balls, theatres, etc., to close for that night.

Repealing clause.

No. 65. (20.) All ordinances and parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

City Ordinance No. 3131. Approved Dec. 8, 1856.

BATTURE.

An Ordinance, regulating and governing the taking out of sand from the batture in front of the city.

No. 66. (1.) From and after the passage of this ordinance,

no permission will be granted for the taking out of sand from the batture in front of the city, unless by certificate of the city surveyor, directed to the wharfingers and their deputies, setting forth the filling required by the location of the property to be filled—that no person or persons be allowed to procure sand from the levee on more than one such permit at any one time, and only at such places as may be designated by the city surveyor, under a revokement of said permit and denial to such parties to take sand from said batture.

Sand, etc., only to be taken on certificate of surveyor, etc.

No. 67. (2.) No sand will be permitted to remain or be piled on the levee or the public landing for a longer period than five days, under forfeiture of said sand to the use of the city, and that the wharfingers and their deputies are specially charged with the execution of this ordinance.

Sand piled on levee or landing.

No. 68. (3.) It is hereby made the duty of the wharfingers and their deputies of the city, to receive the permits of the city surveyor from the parties desiring to take out sand from the batture, to designate and regulate the space for each person or persons, according to said permits; observing an equal proportion of space accordingly for the accommodation of all; and persons taking out sand, shall occupy such space allotted to them, and no more—and in case any person shall occupy or encumber any other place than that designated by the said wharfingers or their deputies, he or they shall become liable to a forfeiture of the privileges granted to them in their permit for taking out sand from said batture, and that all ordinances or parts of ordinances conflicting with this ordinance, be and the same are hereby repealed.

Duty of wharfingers and deputies,

City Ordinance, No. 3029. Approved Oct. 11, 1856.

ACTS OF THE LEGISLATURE.

See Act 1836, page

See Civil Code, Act 501 *et seq.*

DECISIONS OF SUPREME COURT.

Batture is an elevation of the bed of a river *under* the surface of the water; it is however, sometimes used to denote the same elevation when it has risen *above* the surface of the water. 6 M. R. 216.

The intervention of a public road between the front tract and the river, does not deprive the proprietor of the tract of his right to the batture. 6 M. R. 220, and 18 La. R. 236; 8 N. S. 876.

By alluvion is understood that which is added to land little by little, so that we cannot know how much is added at each moment of time;

he, therefore, who owns land bounded by the river acquires whatever is added to it, as he supplies the loss of that which is taken from it. 9 M. 656.

The right to take earth and sand from the batture is not a corporate right, but one common to every inhabitant of the city. The use of this right is to be so regulated as not to defeat other great objects of the dedication. The city has a right to use the earth taken from the batture, for the construction of wharves, levees, &c., and for improving the port, and the streets, and avenues leading to it. 12 La. 49; 18 La. 278; 7 Ann. 76.

According to the terms of the compromise between the city of New Orleans, and the front proprietors and private claimants of the batture dated Sept. 20, 1820, the entire batture and open space between New Levee street and the river in front of Faubourg St. Mary, is dedicated to public uses and those, to which it is naturally destined, as a part of the port of New Orleans. The administration of this public place and the batture on it, is confided exclusively to the second municipality, whose duty it is to administer it in such manner as to promote the important purpose for which it was dedicated, and not to impede any right to the use of it by the citizens generally. 12 La. 49; 18 La. 278.

It does not appear from any of the acts of Madame Delord, or from any of the plans in the record, that there was any intention on her part to dedicate to public use the front of her property on the river. 18 La. 122.

By Act of 30th April 1853, every riparian proprietor within the limits of corporate towns in this State, is authorized to sue the corporation for the occupation of so much of the batture in front of his property as may not be necessary for public use. 10 Ann. p. 54.

BEEF AND PORK, INSPECTION OF.

ACTS OF THE LEGISLATURE.

An Act Relative to the Inspection of Beef and Pork.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the Governor is required to appoint, by and with the advice and consent of the Senate, three repackers and inspectors of beef and pork for the city of New Orleans.

Inspectors of
beef and pork
for the city of
New Orleans.

SEC. 2. That the inspectors and repackers shall provide themselves with good and sufficient stores or yards, capable of receiving and storing such beef and pork as may be brought to them for inspection, in such places as shall be most convenient to employers, and best calculated to facilitate their business; but nothing shall be allowed for storage for any beef or pork inspected by them, if taken away within three days after notice given to the owner, or his agent, of its

Inspectors to provide
suitable
stores and yards.

being inspected and repacked; provided that no beef or pork shall be inspected and repacked in any part of the city and suburbs between Garrison and Girod streets. Proviso.

SEC. 3. That all barrels shall be made of good seasoned oak, or ash, free from every defect; and every barrel shall contain two hundred pounds of beef or pork, the barrel not to measure more than eighteen inches across the head and twenty-eight long, to be hooped with at least twelve good substantial hoops; the barrel to be branded on the bilge with at least the initials of the cooper's name and weight which is contained in each barrel, and also to be plainly branded with the first letters of the christian name and the surname at full length, of the inspector. Barrels, how made, contents, brands, etc.

SEC. 4. That the inspectors and repackers shall carefully inspect all beef and pork, and shall brand only such as shall be well fattened; the best quality shall be denominated "mess pork," and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded at one of the heads. "mess pork." The second quality shall be denominated "prime," of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint; the barrel shall not contain more than twenty-four pounds of head, which shall have the ears and snout cut off at the opening of the jaws, and the brains and the bloody grizzle taken out, and the rest of the pork, to constitute a barrel of prime pork, shall be made up of sides, necks, and tail pieces; and on the head of every barrel of such pork shall be branded, "prime pork." The third quality of pork shall be denominated "cargo pork," of which there shall not be in a barrel more than thirty pounds of head and four shoulders, and shall otherwise be merchantable pork, and shall be branded on one head of each barrel, "cargo pork." Inspection, how made.

SEC. 5. That all beef to be repacked for exportation shall be of fat cattle, and shall be cut into pieces, as square as may be, and shall not exceed twelve nor be less than four pounds weight; and all beef which shall be fat and merchantable, shall be sorted and divided into three different classes, to be denominated mess, prime, and cargo. Beef for exportation, how sorted.

Mess shall consist of the choicest pieces of large, well fattened beef, without hocks, shanks, clods, or necks; each barrel to contain two hundred pounds of beef, and to be branded on the head, "mess beef." Mess beef.
Prime beef shall consist of the choicest pieces of fat cattle, with not more than one-half neck, nor more than two flanks, with the hocks cut off the hind legs, in the smallest place above the joint, in a barrel, and branded "prime beef" on one head. Prime beef.

Cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one-half of necks, three flanks, with the hocks cut off in the same manner as in prime, in a barrel, and to be otherwise merchantable, and to be branded "cargo beef." The repacker shall not put less than two pecks coarse salt and six ounces of saltpetre in each barrel, and shall fill it with pickle as strong as salt can make it. Cargo beef.

SEC. 6. That if any inspector shall be guilty of neglect or fraud, or shall in any way violate the duties imposed on him by law, he shall be Penalty for fraud or neglect of duty.

liable to a fine of fifty dollars, to be recovered before any court of competent authority, one-half to the benefit of the informer, and moreover, shall be liable for damages to any person aggrieved.

Penalty for mixing or changing beef, or altering marks after inspection.

SEC. 7. That if any person shall intermix, take out, or shift any beef or pork, packed and branded, as herein provided, or put in any other beef or pork, for sale or exportation, or alter, change, or deface any brand or mark of any inspector, said person shall, for every offence, pay a fine of forty dollars, one-half for the use of the informer, and moreover shall be liable for damages to any person aggrieved.

Inspectors not to buy or sell beef or pork.

SEC. 8. That no inspector and repacker of beef and pork, shall buy or sell more than shall be necessary for his own consumption.

No beef or pork after being inspected, shall be removed until inspection fees are paid.

SEC. 9. That no beef or pork that shall have been inspected and repacked, shall be taken from the stores and yards of the inspectors, unless all the expenses be previously paid; and no owner or seller of beef and pork shall suffer the same, after inspection, to remain more than twelve hours exposed to the sun or to bad weather.

Fees for inspection, etc.

SEC. 10. That the inspectors and repackers shall be entitled to demand and receive for every barrel of pork or beef they shall inspect, repack and salt, thirty-three cents and one-third, besides the price of the salt, saltpetre and other extra services.

Penalties, how appropriated.

SEC. 11. That all the proceeds of property forfeited, and penalties incurred on the subject of the inspection of beef and pork, shall be one-half for the benefit of the asylum for orphan boys in the city of New Orleans, and the other half for the person prosecuting in the name of the State.

Certain laws repealed.

SEC. 12. That all laws contrary to the provisions of this Act, and all laws on the same subject-matter, except what is contained in the civil code and code of practice, be repealed.—Acts of 1855, p. 461.

BOARD OF ASSESSORS.

An Ordinance to divide the city into twelve Assessment Districts.

City divided into twelve assessment districts.

No. 69. That in accordance with the 45th section of the city charter approved March 20th, 1856, the city of New Orleans be divided into twelve assessment districts, as follows :

First assessment district : bounded above by Felicity street; below by Thalia street, and in front by the river bank.

Second assessment district : bounded above by Thalia and Felicity streets and the upper limits of the first district; below by St. Joseph and Delord streets and the new canal; in front by the river bank, and in the rear by Lake Pontchartrain.

Third assessment district : bounded above by St. Joseph street, Delord street, and the new canal; below by Poydras street; and in front by the river bank.

Fourth assessment district : bounded above by Poydras street ; below by Gravier street ; in front by the river bank, and in the rear by the new canal.

Fifth assessment district : bounded above by Gravier street and the new canal ; below by Canal street and the lower limits of the first district ; in front by the river bank, and in the rear by Lake Pontchartrain.

Sixth assessment district : bounded above by Canai street and the lower limits of the first district ; below by St. Louis street ; in front by the river bank, and in the rear by Lake Pontchartrain.

Seventh assessment district : bounded above by St. Louis street ; below by St. Phillip street ; in front by the river bank, and in the rear by Lake Pontchartrain.

Eight assessment district : bounded above by St. Phillip street ; below by Esplanade street and the limits of the second district ; in front by the river bank, and in the rear by Lake Pontchartrain.

Ninth assessment district : bounded above by Esplanade street and the lower limits of the second district ; below by Mandeville street ; in front by the river bank, and in the rear by Lake Pontchartrain.

Tenth assessment district : bounded above by Mandeville street ; below by the lower limits of the city ; in front by the river bank, and in the rear by the rear limits of the city.

Eleventh assessment district : bounded above by the upper limits of the city ; below by Felicity street ; in front by the river bank, and in the rear by Chesnut street.

Twelfth assessment district : bounded above by the upper limits of the city ; below by the upper limits of the first district ; in front by Chesnut street ; in the rear by the rear limits of the city.

City Ordinance, No. 3210. Approved January 7, 1857.

No. 70. That the city assessors be allowed the use of Assessors' office. the room formerly occupied as the U. S. Court, as their office.

City Ordinance, No. 3219. Approved January 7, 1857.

As to "Errors in Assessments," see No. 214.

No. 71. That the board of assessors elected under the 25th section of the city charter, shall receive as full compensation for all their services during the year 1857, in making an assessment of all the property in the city, and for performing all the duties imposed on them by law, two per centum on the amount of taxes on property assessed by them, to be computed

Compensation of assessors.

and paid after the final and corrected assessment rolls are delivered to the comptroller, as provided for in section 97 of the said city charter; provided, that no compensation shall be allowed on property assessed to unknown owners unless the property so assessed to unknown owners shall be fully described on the assessment rolls, by a detailed description, in accordance with its latest subdivisions; and provided, further, that no compensation shall be allowed on any property assessed which is or may be exempt, by law, from taxation; and also provided, that in all descriptions of real property, the names of the streets and the numbers of the squares shall correspond with the names and numbers adopted by the contractors for furnishing the city plan.

City Ordinance, No. 3223. Approved January 7, 1857.

Compensation of
certain assessors.

No. 72. That the finance committees be, and they are hereby authorized to make arrangements with the assessors of taxes now in office, and therefor incur all necessary expenses to complete all the assessments rolls for the present year, and to perform all their duties in relation to the aforesaid assessments, in manner and form required by law, and especially complete their assessments so as to conform to the provisions of the Act entitled an Act to authorize the corporation of the city of New Orleans to tax real and personal property, approved March 19th, 1856, and particularly to require them to deliver to the city authorities full and duly certified copies of said assessment rolls with as little delay as possible.

City Ordinance, No. 3132. Approved Dec. 9, 1856.

ACTS OF THE LEGISLATURE.

See Act of 1856, page 141, sec. 25.

“ “ page 148, sec. 43 *et seq.*

“ “ page 162, sec. 116.

“ “ page 180.

See “Revenue.”

BOARD OF HEALTH.—See “HEALTH,” No. 364.

BONDS AND SECURITIES.

An Ordinance relative to Bonds and Securities.

Executed before
the mayor.

No. 73. (1.) All bonds required to be given by the officers of the city for the faithful performance of their duties, shall be executed before the mayor.

See No. 216.

No. 74. (2.) All persons contracting with the city for any work to be done, and all persons accepting offices of trust or emolument from the city, who are required by law to give bond for the faithful performance of their duties, shall be required to furnish securities possessing real estate to the amount of the obligation of the bond. The corporation in all cases reserves the right of demanding additional security whenever deemed advisable.

Surety to possess real estate.

No. 75. (3.) The comptroller shall not issue warrants to officers or employees of the city in any instance, until they complete their bonds in accordance with the ordinance under which they hold office.

Bonds to be completed before issue of warrants.

No. 76. (4.) All persons appointed to office by the common council, who shall neglect to furnish the name or names of his securities within two weeks after their appointment, will be considered as having declined to qualify, and the council will proceed to a new election, unless satisfactory reason be given for the delay.

To be furnished within two weeks.

No. 77. (5.) It shall be the duty of the city attorney and comptroller in all bonds of city officers, to provide that such bonds shall continue in force during the continuance of such officers in the employment to which they may have been elected, so that their re-appointment or re-election shall not impair the obligation of such bonds.

Condition of bonds.

No. 78. (6.) All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

Repealing clause.

City Ordinance, No. 3205. Approved January 7, 1857.

For "Bonds of Coffee House Keepers," see No. 162.

See No. 234 and 537.

ACTS OF THE LEGISLATURE,

SEC. 27. That all bonds and recognizances taken by the justices of the peace, mayor and recorders of New Orleans, for the public peace or in criminal matters generally, shall, when forfeited, be recovered by the city attorney for the use of the treasury of the said city.—Act 1850, page 166.

Bonds and recognizances.

SEC. 42. The common council of New Orleans shall have power to require bond and security from all persons holding any office of trust or emolument in the city administration, for such sum as they may deem proper, not exceeding ten thousand dollars.—Act 1852, p. 55.

Bonds which the corporation of the city may require.

SEC. 132. That the common council of New Orleans shall have power to require bond and security from all persons holding any office of trust or emolument in the city administration, for such sum as it may deem proper.—Act 1856, p. 166.

Bond and security to be furnished by officers.

See Act 1855, p. 81.

See Act 1856, p. 143, Sec. 30.

BREAD.—See “BAKERY,” page 13.

BUILDERS, MASTER WORKMEN, ETC.

May use portion
of side walk and
street.

No. 79. (1.) It shall be lawful for owners, builders, contractors and master workmen, when actually engaged in building or repairing any house or other building within the limits of this city, to deposit building materials necessary to be used in the construction or repair of the house or building in actual progress, on a portion of the public street or sidewalk in front of the house or building being actually in progress, or beyond fifteen feet on each side of said house or building, in the following manner only, viz: On one half of the width of the sidewalk nearest to the house or building being erected or repaired, and on one-third of the width of the portion of the street between the gutters and nearest to the house or building being erected or repaired, and they shall have a right to place over the gutters a temporary bridge, so constructed that it can be easily opened at all times to admit of cleaning said gutters.

Unlawful to use
certain portions
of street, etc.

No. 80. (2.) That all owners, builders, contractors, master workmen, or other persons whatever, are forbidden to occupy any portion of any public street or sidewalk, or deposit any building material thereon, other than is provided for and defined in the foregoing section, or in or over any gutter, or to allow any of their servants, or workmen, or employees, to occupy or deposit thereon, except as aforesaid, under a fine or penalty of not less than ten nor more than one hundred dollars for each offence, recoverable before any court of competent jurisdiction for the benefit of the city.

Obstructing
gutters, etc.

No. 81. (3.) That all owners, builders, contractors, master workmen or other persons whatever, are forbidden to obstruct the passage of water in any gutter, by depositing therein any building materials, rubbish, or other materials whatever; they are forbidden to erect or make, or cause to be erected or made, any dam in any gutter or gutters; they are forbidden to make, or cause to be made, any mortar bed over any gutter, unless there is left a free and open space of at least one foot in width between the side of the mortar bed and the curb stone, so that the gutters may at all times be easily cleaned; and they are forbidden to allow their

workmen, servants or employees, to obstruct, deposit, erect or make as aforesaid, under a fine or penalty of not less than ten nor more than one hundred dollars, recoverable as aforesaid.

No. 82. (4.) That the street commissioner and his deputies be, and they are hereby authorized and required to see that the several provisions of this ordinance be complied with and enforced; and in all cases where a party or parties may be found acting in contravention to this ordinance, and refuse or neglect to comply with the same, after being notified thereof in writing, said officers shall have authority to cause all materials found placed in contravention to this ordinance, to be removed to the public pounds, or some other safe and proper place of deposit; and if the same be not claimed within thirty days thereafter, and the fines and expenses thereon paid, they shall be advertised in the official journal three times during ten days, and sold at public auction; and the proceeds of any such sale, after deducting all fines and expenses, shall be paid into the city treasury, subject to the claim of any owner of the property sold as aforesaid.

Street commissioner to enforce this ordinance.

No. 83. (5.) That all ordinances or parts thereof, conflicting with the foregoing, be and the same are hereby repealed.

Repealing clause.

City Ordinance, No. 2044. Approved March 9th, 1856.
For "City Tax," see No. 689.

BUILDINGS, NUMBERING, FIRE LIMITS, ETC.

An Ordinance relative to Buildings.

No. 84. (1.) No building shall be erected within the limits of the city, until the ground to be covered by the building be raised to a level with the side walk. The lines and level to be obtained from the surveyor. All persons violating this section shall be fined not less than twenty-five dollars, and ten dollars a month until the ground so occupied be filled as herein required.

Lines and level.

No. 85. (2.) No person shall erect, rebuild, or enlarge any building or wall fronting on any street or public way, without first obtaining the lines thereof from the city surveyor, under a penalty of not less than twenty-five dollars for every offense.

Surveyor's lines.

No. 86. (3.) In no case shall the steps of buildings extend on the side-walk more than twenty-four inches, under penalty of five dollars for every day this provision shall be violated, after notice from the street commissioner.

Front steps.

Windows and
shutters.

No. 87. (4.) All persons are forbidden to construct, or cause to be constructed, any door or window projecting more than twelve inches on the street, in front of their building; and it shall be the duty of all house-holders and tenants of buildings, the doors and shutters of which open on the street, to hook or otherwise secure the same, so as to prevent accidents, and not to obstruct the passage on the side-walks. All persons violating the provisions of this section shall be fined not less than ten dollars for each offense, and five dollars for every day the offense shall continue after notice.

Roof gutters, etc.

No. 88. (5.) The roofs of all buildings shall be provided with a gutter and pipe or conduit to collect and convey the rain water, and on the side next the street the pipe shall be affixed to the wall so as to convey the water to the level of the side-walk, and across the side-walk and a gutter therein to the street, provided the proprietors or tenants shall not be prohibited from conveying the rain water from the front of the buildings, owned, rented or occupied by them, into said buildings or the yards thereof. All persons violating the provisions of this section shall be fined not less than ten nor more than twenty-five dollars, and five dollars for every day they shall continue the offense after notice received from the street commissioner. The gutter or pipe or conduit provided for in the foregoing part of this section, shall be kept clear of obstructions and in good repair under penalty of five dollars for each offense, and of two dollars per week in default thereof, payable by the proprietor of the buildings after five days' notice from the street commissioner.

Dangerous build-
ings, etc.

No. 89. (6.) It shall be the duty of the surveyor, street commissioner, and of the police officers to inquire concerning all houses or other buildings that may be in a ruinous condition, as also about whatever might, by falling, impair the security of passage through the public way, or give occasion to any accident; and to report the same to the mayor, and on the same report, the mayor shall order the owner of the house, or, in his absence, his attorney in fact, or agent, to cause the danger to cease, within such time as he may think proper to prescribe to him for that purpose; provided, always, that the said owner, or his attorney in fact, or agent, shall have a right to contest the statement made in said report, by having the premises examined by a person of acknowledged skill, to be chosen by the owner of the house or other building, or his attorney in fact or agent, which person shall previously be sworn by the mayor; but if, after said examina-

tion, it shall appear to the mayor that the danger has been duly ascertained, the owner, or his attorney in fact, or agent, as aforesaid, shall cause the danger to be removed within the delay assigned by the mayor, and in case of refusal or neglect, the mayor shall then cause the building to be repaired or demolished, as he may think best, at the expense of the owner; and the owner shall be fined not less than ten dollars for every day he shall fail to obey the orders of the mayor.

See No. 270,

No. 90. (7.) The mayor and surveyor shall examine whether theatres or places of public resort be constructed with the requisite solidity and carefully kept in repair, and they are authorized to take suitable measures to prevent accidents that might result from any negligence in the construction of the building, or from any mismanagement of the proprietors.

Public resorts to be safe, etc.

No. 91. (8.) Any person who shall be guilty of defacing any building, or fence, or other property, by cutting, breaking, daubing with paint, or in any other way defacing or injuring the same, shall be fined not less than ten, nor more than twenty-five dollars.

Defacing buildings, etc.

No. 92. (9.) All houses in the city shall be numbered. The numbers in all the streets parallel to the river, to begin at Canal street, and increase towards the upper limits of the city; and the same from Canal street towards the lower limits of the city; and the numbers in all the perpendicular streets to commence from the river and extend back. All the odd numbers to be on one side, and the even numbers on the opposite side of every street. In numbering houses, vacant or empty lots shall be reckoned in the series of numbers, and, in proportion as houses shall be erected on said lots, the surveyor shall prescribe to the owners the numbers to be placed on the same.

Numbering of houses, etc.

No. 93. (10.) The mayor and surveyor shall have power to direct the owners of houses to affix the proper numbers thereto, and shall also have power to determine the form, size, and material of such numbers, and any owner or occupant of any building, who shall neglect or refuse to affix the number designated, or shall affix to the same, or retain thereon any number contrary to the direction of the mayor and surveyor, shall be fined not less than five, nor more than twenty dollars for every offense; and one dollar for every day he shall violate the provisions of this section.

Numbering of houses, etc.

No. 94. (11.) All ordinances or parts of ordinances conflict-

Repealing clause.

ing with the provisions of this ordinance, are hereby repealed.

City Ordinance, No. 3192. Approved Dec. 30th, 1856.

Relative to "Construction of Buildings," see No. 263 and No. 292.

" " "Demolition of Buildings," see No. 270.

" " "Defacing Buildings," see No. 495.

An Ordinance, defining the fire limits in and for the city of New Orleans.

Limits for wood-
en buildings, etc.

No. 95. (1.) It shall not be lawful to erect, and all persons are forbidden to erect, or cause to be erected, within the following described limits, any building whatever, except the walls thereof be constructed of brick or other non-combustible materials, covered with slates or other non-combustible materials, viz : The bank of the Mississippi river in front, and thence on the upper line of the city to 120 feet westward of Levee street ; thence down 120 feet westward of Levee street to Felicity road ; thence down Felicity road to Annunciation street ; thence down Annunciation street to Duplantier, now Calliope street ; thence down Duplantier and Calliope streets to Hercules, now Rampart street ; thence down Hercules and Circus, both now Rampart street ; to Poydras street ; thence down Poydras street to St. Peter, now Franklin street ; thence down St. Peter, now Franklin street ; thence down to Villere, down Villere to St. Louis ; thence up St. Louis to Marais, down Marais to Esplanade street ; thence up Esplanade to Casacalvo street ; down Casacalvo, now Royal, to Enghein, now Lafayette Avenue, up Enghein, now Lafayette Avenue, to the river ; provided that any person may erect a wooden shed or tenement on his premises for a coal or wood house, if the same be covered with slate or zinc, and be not more than ten feet square.

Limits for com-
bustible roofs.

No. 96. (2.) It shall not be lawful to erect, and all persons are forbidden to erect or cause to be erected, any building whatever, except the roofs thereof shall be covered with slates or other non-combustible materials, within the following limits, viz : the boundary described in the foregoing section, in front, and thence, following the upper limits of the city, to Magazine street ; thence down Magazine street to Washington street ; thence down Washington street to Apollo, now Carondelet street : thence down Apollo, now Carondelet street, to Jackson street ; thence down Jackson to Carroll, now Dryades street ; thence down Carroll, now Dryades, to Felicity street ; thence down Felicity street to Liberty street ; thence down Liberty street to Clio street ; thence down Clio street to Clara street ; thence down Clara, Vine and Magnolia, all now Clara, to Poydras street ;

thence down Claiborne street to Esplanade street; thence up Esplanade to the Mississippi river.

No. 97. (3.) It shall not be lawful, and all persons are forbidden to remove, or cause to be removed, to another place on the same lot, or on another lot, if within the limits described in either of the two preceding sections, any building already erected, without making such building fire-proof, in accordance with the provisions of said sections, respectively. Removal of houses, etc.

No. 98. (4.) It shall not be lawful, and all persons are forbidden to increase or add to the dimensions of any building already erected, under the pretence of repairing, or cause the same to be done, within the limits described in the two first sections of this ordinance, or to repair the roofs of any such buildings, or cause the same to be done, except by using, in such repairs, non-combustible materials. Increasing dimensions and repairing, etc.

No. 99. (5.) Every person, whether owner, occupant, tenant, or contractor, who shall contravene the provisions of this ordinance, shall be liable to a penalty of not less than ten nor more than fifty dollars, recoverable before any court of competent jurisdiction; and also a further fine of one hundred dollars for each and every month he, she, or they shall refuse or neglect to comply with a written notice from the street commissioner, or his deputy, specifying the delay which may be adjudged reasonable by said officer, to demolish or alter any such building in contravention, recoverable as aforesaid. Penalty.

No. 100. (6.) All ordinances or parts of ordinances contrary to the foregoing provisions, and all ordinances upon the same subject-matter are hereby repealed. Repealing clause.

City Ordinance, No. 3191. Approved Dec. 30, 1856.

ACTS OF THE LEGISLATURE.

Sec. 1. That the mayor and city council of New Orleans shall have power and authority to make and pass such by-laws and ordinances as they shall deem proper, to prevent any person or persons from reconstructing, in wood, old and decayed houses, under the pretence of repairing the same, in those parts of the city where it is lawful to build only with bricks and stones.—Act. Feb. 1821.

That the first section of the Act aforementioned shall not be interpreted so as to authorize the councils of the municipalities of New Orleans to make or pass laws or ordinances to prevent any person or persons from tiling wooden houses or covering them with materials of the same kind, or repairing the same, when such repairs shall be necessary to the preservation of said houses or to render them tenantable; said councils shall only have the power of preventing the rebuilding of

such wooden houses which shall have been destroyed by any event whatsoever or which shall have become untenable from age or decay.—Act of Feb. 1842.

BURIALS AND BURYING GROUNDS.—See “CEMETERIES,” No. 123.

CANALS.

1.—NEW CANAL—JULIA STREET.

Rights of harbor
master.

No. 101. (1.) The harbor master appointed by the New Orleans Canal and Banking Company, shall have the right to regulate the moving of the vessels in the said canal, the lading and discharging of cargoes, and the execution and enforcement of all such rules and regulations as may be enacted for the use and better government of said canal, its harbor, basin, road, tow-path, works and property necessary, or appertaining thereto: Provided, the same are not inconsistent with any ordinance or resolution of this council now existing, or which may hereafter be passed.

Captains to re-
port.

No. 102. (2.) That every commander of a vessel shall report to the harbor master within fourteen hours after his arrival, the name and tonnage of his vessel, and produce his coasting license, under a penalty of fifty dollars for every infraction of this article.

Cargo.

No. 103. (3.) That no vessel shall take in or discharge cargo, until the same has been duly reported to the harbor master, under the penalty of one hundred dollars for every violation of this article.

Captains to con-
form to orders.

No. 104. (4.) That the commander of every vessel in said canal, basin or harbor, shall conform to the order of the harbor master appointed by the said company, as regards the place where his vessel shall moor to discharge or take in cargo, and any commander disobeying or resisting such orders, shall pay a fine of fifty dollars for each and every infraction of this article, besides ten dollars for every twenty-four hours that his vessel may remain in any place contrary to the orders so given.

Discharge of
cargo, &c.

No. 105. (5.) That no vessel shall discharge cargo nearer the margin of the canal or basin than twelve feet, and that no cargo, or part of cargo, shall be permitted to remain on the landing for

a longer time than six days, under a penalty of fifty dollars for each and every infraction of this article; and the harbor master is hereby authorized to transport, for safe keeping, to some place appointed for the purpose, at the risk and expense of the owner, all articles that may not be removed within the time specified by this ordinance, and he shall be reimbursed the cost of transportation, storage, advertising, and all other charges incurred before delivery of the same.

No. 106. (6.) That every vessel not employed in loading or unloading cargo, shall pay five dollars per day during the time they may remain in the canal, basin or harbor, counting from the eighth day after their arrival.

Vessels not employed.

No. 107. (7.) That no flat-boat, barge, skiff or vessel of any description, shall take on board or discharge timber, firewood, or cargo of any kind, from or upon the shell road, or tow-path of the canal, between the Florida landing and harbor at the lake, or at any place on the canal, where the banks are not protected by works to preserve them from injury in consequence thereof, under a penalty of fifty dollars for every violation of this article.

Unprotected banks.

No. 108. (8.) That every vessel unfit for service, or that is in danger of sinking, must instantly be removed out of the canal, basin and harbor; and any vessel that may remain twenty-four hours after the harbor master has given notice to remove therefrom, shall pay a penalty of twenty-five dollars per day; and the vessel shall be removed by the harbor master at the expense and risk of the owners thereof.

Unseaworthy vessels.

No. 109. (9.) That no vessel shall remain in the canal, basin, or harbor, without a keeper on board; and the harbor master is authorized to place a keeper on board of any vessel which may have been abandoned or deserted for twenty-four hours, at the expense of the owner or owners thereof.

Vessels to have keepers.

No. 110. (10.) That no vessel shall be built, or careened for the purpose of repair, in the canal, basin or harbor, under a penalty of one hundred dollars, unless by special permission of the New Orleans Canal and Banking Company.

Repairs of vessels.

No. 111. (11.) That no pitch, rosin, turpentine, or other substance of a like combustible nature, shall be boiled or burnt on board of any vessel in the canal, basin or harbor, nor shall any fire be kept up after nine o'clock at night, nor kindled during the interval between that hour and day-break, under a penalty of twenty-five dollars for every infraction of this article.

Combustible matter.

- Rafts and timber. No. 112. (12.) That no raft, or floating timber of any description shall be brought into the canal, basin or harbor, under a penalty of one hundred dollars; and a penalty of ten dollars additional, for every twenty-four hours they may remain there.
- Steamboats. No. 113. (13.) That no steamboat, in passing through the canal, shall be permitted to be propelled by her paddle wheels, without the express permission of the harbor master, or person appointed by the New Orleans Canal and Banking Company, to control and take charge of the canal works by them constructed, under a penalty of one hundred dollars, and that no steamboat, having obtained such permission to pass through the canal propelled by her paddle wheels, shall go at a greater speed than may be designated by the harbor master, or person having charge as aforesaid, under a penalty of one hundred dollars for every infraction of this article.
- Course in passing. No. 114. (14.) Every vessel, in coming up the canal, or from the lake to the city, shall keep on the right side in passing vessels coming in the opposite direction, under a penalty of twenty-five dollars.
- Towing. No. 115. (15.) No vessel shall be towed by men, horses or otherwise, on the shell road or upper side of the canal, but must be towed on the tow-path situated on the lower side of the canal and constructed for that purpose, under a penalty of twenty-five dollars for each violation of this article.
- Tow-path. No. 116. (16.) No person shall drive a dray, cart or other vehicle on the tow-path of the canal, situated on the lower side of the canal, under a penalty of twenty-five dollars for each violation of this article.
- Filling or obstructing canal, etc. No. 117. (17.) No one shall be permitted to draw a seine or net in the canal or basin, or to throw therein stones, bricks or carcasses of dead animals, or any thing which may obstruct the canal or basin, or become offensive or injurious to the public health, under a penalty of fifty dollars for every infraction of this article.
- Fines. No. 118. (18.) All fines fixed by this ordinance, shall be recoverable before any court of competent jurisdiction for the benefit of the treasury of this Municipality.
- 2nd Municipality Ordinance of Dec. 5, 1837. Southmayd p. 249.
- Landings not to be driven on. No. 119. (19.) No person shall drive a dray, cart, carriage or other vehicle on any of the landings on either side of the basin of the new canal of the Canal and Banking Company, under

the penalty of ten dollars for each contravention of this ordinance and against all persons so offending, it shall be the duty of the harbor master of said company, and the officers of this Municipality, to report to the recorder; and the fines shall be recovered at law for the benefit of this Municipality

2nd Municipality Ordinance of Oct. 31, 1843. Southmayd p. 252.

2.—CANAL CARONDELET.

No. 120. The whole part of basin Carondelet, fronting Basin Schooners. street between St. Peter and St. Louis streets, is especially appropriated for the landing of schooners and other crafts, all resolutions to the contrary notwithstanding.

1st Municipality Ordinance, May 29, 1844. Collens p. 30.

No. 121. It shall not be lawful for any master or owner of any schooner or craft whatever, landing at the basin Carondelet, to land or suffer to be landed within the whole part of said basin fronting on Basin, between St. Louis and St. Peter streets, any lot of bricks, shells or firewood under penalty of a fine of twenty-five dollars recoverable before the recorder of this (first) municipality, or any other competent magistrate from each owner or master of any schooner or craft violating the foregoing resolution.

Not to land bricks, etc.

1st Municipality Ordinance, Feb. 1845. Collens p. 30.

No. 122. Any person owning any lot of bricks, shells or firewood landed within the aforesaid space in contravention to the aforesaid resolution, shall be liable to the aforesaid fine of twenty-five dollars for each and every day they shall neglect to remove or cause to be removed any such lot of bricks, shells or firewood, which fine shall be recoverable before the recorder or any other competent tribunal.

Cargo landed in contravention of ordinance.

1st Municipality Ordinance, Feb. 1845. Collens p. 30.

CEMETERIES AND INTERMENTS.

An Ordinance relating to Cemeteries and Interments.

No. 123. (1.) That no keeper of any burial ground within the limits of the city, shall receive or bury any corpse, unless the the bearers or carriers of the same shall deliver to him the certificate of a licensed physician, or of a magistrate, or of the coroner, containing a statement, specifying, as nearly as possible,

Certificates for burial, etc.

the death, name, age, birth-place, sex, and color, and setting forth the location of the house, or place whence said corpse was taken for burial, giving the name of the owner or lessee of said house or place, and the number and street where said house is situated; and if there is no number, as close a description of the situation of said house as possible; and, should any keeper of any burial ground, refuse or neglect to perform any of the duties required by this article, he shall be fined the sum of fifty dollars for each and every violation.

Non-delivery of certificates, etc.

No. 124. (2.) Whenever the keeper of any of the said burial grounds shall discover that the formalities required by this ordinance, cannot be complied with by the bearers, or the carriers of the said corpse, or by any person or persons bringing the same for burial, he shall immediately inform the coroner thereof, in order that said officers may proceed to ascertain whether any crime has been committed, and, for any neglect to comply with this provision, the said keeper shall be fined, as provided for in the preceding section.

Tomb materials.

No. 125. (3.) All tombs must be built of the best kind of brick or stone laid in mortar, with the proper proportion of the best cement and sharp sand, and covered with bitumen on the ground floor of each tomb, with walls not less than nine inches in thickness, and plastered. All the tombs must be kept in good order, and it shall be the duty of the sexton to notify the owners thereof to have them repaired; otherwise it shall be done by the city at the expense of the owners, who shall be fined in a sum not exceeding fifty dollars.

Opening tombs.

No. 126. (4.) The mayor and recorders, are each authorized to grant permits for the opening of tombs, in the public cemeteries, to such persons as may make such application to deposite a dead body therein.

Cemeteries of associations.

No. 127. (5.) The various churches and associations owning cemeteries, are authorized to use them under such regulations made by them, from time to time, as may not conflict with city ordinances.

Removal of rubbish.

No. 128. (6.) All persons who may hereafter erect tombs or vaults within the public cemeteries, shall be required to remove therefrom immediately after the construction of a tomb or vault, all bricks, mortar, sand, lumber, and other materials that may remain; and it is made the duty of the sexton to see this section of this ordinance enforced, and every person violating it shall be subjected to a fine of ten dollars for every offence.

No. 129. (7.) All sextons shall inter, within the shortest possible delay, all deceased persons who may be conveyed to their respective cemeteries, in graves to be dug not less than four feet in depth, and to be at a distance of at least three feet from each other, according to such limitation as shall be described by the city surveyor, and in pursuance of such directions as they may receive from the mayor; and it shall be the duty of each of said sextons to keep a book, in which they shall insert, according to their dates, the name, sex, age, business, and birth-place of each and every person they shall bury in the ground, or deposit in the tombs; to take care that no damage be done to the tombs and fences; to prevent cattle and beasts from going into the said cemeteries; to deliver daily to the chief of the police, a certified copy of the burials set forth on their books, whenever thereunto required by the mayor, city council, or chief of the police, and to deliver over to their successor the said books. And the said keeper shall be fined not less than ten, nor more than fifty dollars, for each and every violation of the foregoing provisions.

No. 130. (8.) The prices for entombing and burying in each of the city cemeteries, shall be as follows: •

	For the City.	Sexton's Fees.
For every white adult.....	\$3 50	\$1 50
For every white child.....	1 50	1 00
For every colored adult.....	2 75	1 25
For every colored child.....	1 25	75
On charity, adult.....		1 25
On charity, children.....		75
On charity, colored children....		50
For the opening and closing of vaults and tombs, (owners of tombs and vaults paying this amount.).....		3 00

No. 131. (9.) At the expiration of every month, it shall be the duty of the keepers of the burial grounds within the city, to deliver to the recorder of births and deaths of this parish, all the original certificates required by the ordinances, by virtue of which the said keepers have received bodies for interment. And the said recorder of births and deaths shall carefully file and preserve such original certificates, and keep indexes to the same, so that they may be easily found and referred to, and shall give copies of the same duly certified, whenever thereunto required by the persons interested

Duty of surveyor
and street com-
missioner.

No. 132. (10.) It shall be the duty of the surveyor to visit the cemeteries once a month, and oftener, if he deems it necessary, in order to prescribe the limitations, according to which the graves and tombs are to be made, care being taken to reserve all around and along the fences, such places as may be necessary to build tombs for account of the city; and it shall be the duty of the street commissioner to visit the cemeteries once a month, and see that the ordinances are observed.

Burials in
churchyards.

No. 133. (11.) No burial shall be permitted in any churchyard in this city, except the pastor of their churches, under a penalty of a fine of one hundred dollars.

Damaging tombs,
etc.

No. 134. (12.) Any person or persons who shall wantonly damage or destroy the enclosures of any grave, tomb, or monument, or damage the tomb or fence of any cemetery, shall be liable to a fine of not less than ten, nor more than fifty dollars; and if a slave violate this ordinance, he shall receive twenty lashes, unless his master shall pay the fine.

Improper con-
duct in ceme-
teries.

No. 135. (13.) Any person or persons who shall enter the cemeteries and be guilty of breaking the trees or shrubbery, or defacing the tombs, or committing any other depredations, or using any profane or improper language, while on the premises, or sell or offer for sale any refreshments or fruits of any kind within said cemeteries, shall be liable to a fine each of not less than five, nor more than twenty-five dollars for each and every offence.

Burial of bodies.

No. 136. (14.) It shall be the duty of every person, at whose domicile any person shall have died, to cause the same to be buried within forty-eight hours after his death, and any person offending against this section of this ordinance, shall pay a fine not exceeding one hundred dollars for each offence.

Vehicles in ceme-
teries.

137. (15.) No drays, carts, carriages or other vehicles shall be permitted to enter any cemetery, under a penalty not exceeding fifteen dollars.

Burial of indi-
gent deceased
persons.

138. (16.) The street commissioner and his deputies are hereby authorized to give certificates for burial, embracing the particulars enumerated in the first section of this ordinance, whenever he or they shall be satisfied from the representation of any known responsible citizen, that there is no reason to suspect that the death of the deceased has resulted from any other than a natural cause, and the subject is one of indigence, and appropriate for charity; and in such cases the street commissioner and his deputies are authorized to provide for the decent interment

of the bodies of such indigent deceased persons, by procuring the necessary number of coffins to be made; provided, the expense of each grave shall not exceed two dollars; and the expense of the conveyance to the cemetery, except in times of epidemic, shall not exceed seventy-five dollars per month, which shall be paid for two wagons to be used for the purpose, one of which shall be stationed, when not in actual use, near the city hall, and the other near the office of the deputy street commissioner, of the second district; and provided, also, that the persons engaged in this service shall convey indigent sick persons to the hospital, whenever called upon for that purpose, and when not occupied in carrying indigent dead persons for burial; and, provided, further, that only one of said wagons shall be employed in this service, at times when one shall be able to comply with all the demands.

139. (17.) It is hereby made the duty of the sheriff, to give immediate notice to the street commissioner, of the death of any prisoner or prisoners confined in the parish jail, and it shall be the duty of the said commissioner to have said bodies interred in the same manner as is provided for the burial of the indigent poor—provided, that in all cases, the friends of the deceased shall have the privilege of burying them at their own expense.

Burial of prisoners.

No. 140. (18.) Hereafter no person shall be buried in the ground of the cemetery, or the square comprised within Washington, Sixth, Prytania and Plaquemine streets, of the fourth district; and in future no interments shall be made therein, except by persons owning lots, vaults or tombs: and further, that the St. Joseph's Asylum, of the fourth district, may use square No. 271 for burial purposes.

Cemetery in fourth district.

No. 141. (19.) Permission is hereby granted to the officers and members of the Israelite Charitable Association, to open the square of ground No. 84, bounded by St. Louis, Bernadotte, Toulouse and Antoine streets; for the purpose of establishing a cemetery: provided the same be properly enclosed with a good and substantial brick wall; and, provided further, that all ordinances and resolutions of the city council, which are now, or may hereafter be passed by said council, relative to cemeteries, be strictly complied with.

Israelite charitable association.

No. 142. (20.) The sextons shall possess the power to arrest, and cause to be arrested, all persons who shall violate any

Sextons to make arrests.

of the provisions of the foregoing ordinance relating to cemeteries or interments.

Sextons to post this ordinance.

No. 143. (21.) That a printed copy of the ordinance relative to cemeteries and interments be placed in a conspicuous position, at each entrance of all the aforesaid cemeteries within the incorporated limits of the city, for reference, at the expense of the sexton of each cemetery; and in case of neglect or refusal of the sexton in charge of such cemetery to comply with the provisions of this ordinance, he shall be liable to a fine of ten dollars per day for said offence, recoverable before any court of competent jurisdiction, for the benefit of the city.

Permission of council to establish cemeteries.

No. 144. (22.) After the passage of this ordinance there shall not be established within the limits of this city any cemetery or depository of the dead, without first having obtained permission from the common council, under a penalty of twenty-five dollars per day for each and every day such establishment shall exist.

Repealing clause.

145. (23.) All ordinances and parts of ordinances conflicting with the provisions of this ordinance, and all ordinances on the same subject are hereby repealed.

City Ordinance, No. 3174. Approved Dec. 26, 1856.

ACTS OF THE LEGISLATURE.

An Act relative to Public Cemeteries.

Cemeteries exempted from taxation, sale and mortgage.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That all public cemeteries for the purpose of interment, with the monuments erected thereon, whether owned by religious or charitable corporations or associations, by municipal corporations or by individuals, shall be forever exempt from taxation and from seizure and sale for debt, and shall never be susceptible of mortgage, whether legal or conventional.

Right to sell lots for purposes of interment.

SEC. 2. That all religious denominations and congregations of this State, and all other associations which now own, or may hereafter own, any portion of land destined as a place for the interment of the dead, shall have the right to sell, convey and transfer such parts, fractions or lots of the same, as may be necessary and proper for interments; the acts of sale, conveyance and transfer shall be passed under such form as may be prescribed by the by-laws or special resolutions of the religious denominations and congregations or other associations. Acts of sale so made shall be equally authentic, and impart full proof as if they had been passed before a notary public and two witnesses. It shall not be necessary to record them in any public office, nor shall it be lawful for the recorder of mortgages in any city or parish of this State, to record or to certify the existence of any privilege or mortgage bearing on said lots. The lots shall be forever free from taxation and from

seizure, attachment or sequestration for debts of any owner, whether belonging to the successions of deceased persons, or to surviving friends. Exemptions.

SEC. 3. That all laws or parts of laws contrary to this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 118. Certain laws repealed.

See Civil Code, Art. 447.

CHAIN GANG.

No. 146. That ordinance No. 2493, approved 10th December, 1855, re-establishing the chain gang, be and the same is hereby repealed. Repeal of chain gang ordinance.

City Ordinance, No. 3169.

CHIMNEYS, STOVES, STOVE PIPES, ETC.

No. 147. It shall be the duty of each owner or occupant of every house, within the city and suburbs to sweep, or cause to be swept, at least once a month, any chimney where he, she or they habitually keep a fire; and if any chimney shall take fire through neglect of being properly swept and cleansed, the occupant of the house, room or apartment to which such chimney appertains, shall forfeit and pay a fine of five dollars. Chimneys to be swept.

Art. 1, Ordinance of 1817. Collens p. 69.

No. 148. (1.) From and after the passage of this ordinance, no person shall set up or use a stove, any portion of which shall be within two feet of any part of the wood-work of the walls, partitions or floors, of any building within the limits of the city, without protecting such wood-work with a metallic covering, so as effectually to prevent the same from taking fire from such stove or stove-pipe. Stoves—distant from wood work.

No. 149. (2.) In all cases where a stove-pipe projects or passes through the roof, partition or wall of any building, a part or the whole of which may be wood, the pipe shall be separated from such roof or wood-work at least six inches by sheet iron or other incombustible materials, and shall project above or beyond the roof or wall of the building, as the case may be, at least three feet. Projecting stove pipes.

Not to project
over sidewalk.

No. 150. (3.) No stove-pipe shall be allowed to project over any sidewalk or into any street.

Not to annoy
neighbors.

No. 151. (4.) No person shall erect, or continue erected, or use any chimney, stove, or stove-pipe, in such a manner as that the smoke thereof shall annoy any neighbor, or the citizens passing.

Penalty.

No. 152. (5.) Any person or persons contravening any portion of this ordinance, after written notice to comply with its provisions from the street commissioner, shall be liable to a penalty of ten dollars for each day he or they may be in contravention, recoverable before any court of competent jurisdiction, for the benefit of the city.

Repealing clause.

No. 153. (6.) All ordinances contrary to the provisions of this, be and the same are hereby repealed.

City Ordinance, No. 2179. Approved May 19, 1855.

See No. 292.

Chimneys of
factories, steam
engines, etc.

No. 154. (1.) The flues or chimneys of all steam engines, bakeries, forges, or other steam factories, shall be elevated at the highest adjoining roofs, within an area of one hundred feet from the said establishments.

Penalties.

No. 155. (2.) Any person refusing or neglecting to comply with the preceding provision, upon the first requisition made, shall be subject to pay a fine of fifty dollars for each offence; and, moreover, the said offender shall be liable to pay a penalty of one hundred dollars, for each month, from and after the first requisition, that he shall have neglected or refused to comply with the preceding provision; and the said fines shall be recovered before any court of competent jurisdiction.

Repealing clause.

No. 156. (3.) All ordinances or parts thereof, contrary to the present, be, and the same are hereby repealed.

Ordinance of 1841. Collens p. 84.

ACTS OF THE LEGISLATURE.

ART. 688. He who wishes to dig a well or a necessary, to build a chimney, or hearth, a forge, an oven, a furnace or stable, to put up shelves or to store salt or other corrosive substance near a wall, whether held in common or not, is bound to leave the distance, and to cause to be made the works prescribed by the regulations of the police, in order that his neighbor be not injured thereby.

And if there be no regulations of police upon all or any of these subjects, he shall conform to the following rules, in cases which have not been foreseen.—Civil Code.

ART. 689. He who wishes to build a chimney or hearth against a wall held in common, is bound to make a double wall of brick or other proper materials six inches thick.—Civil Code.

CITY ATTORNEY.—See „ATTORNEY,” p. 2.

CITY ASSISTANT ATTORNEY.—See “ASSISTANT CITY ATTORNEY, p. 3.

CLAIMS AGAINST THE CITY.

No. 157. That resolution No. 2370, approved September 11, 1855, and which provides “that all certificates issued in pursuance of a contract, shall bear seven per cent. per annum interest from the date of their approval by the chairman of the finance committee until paid,” be and the same is hereby repealed.

Repealing certain ordinances.

City Ordinance No. 2573.

Whereas, There are obligations of the city which cannot be met for want of means in the treasury; and *whereas* the parties who are thus delayed in the receipt of the money due them, are equitably entitled to interest upon their claims; therefore,

No. 158. *Be it Resolved*, That all certificates issued in pursuance of a contract shall bear seven per cent. per annum interest from the date of their approval by the chairmen of the finance committees, until paid; and that all other claims, excepting claims upon which judgments of law have been obtained, shall bear seven per centum interest from the date of the promulgation of the resolutions authorizing payment of the same, until paid.

Certificates to bear seven per cent. interest.

No. 159. That the comptroller shall register and number all certificates that shall have been approved by the chairmen of the finance committees as aforesaid; and all claims, the payment of which shall have been authorized by virtue of resolutions as aforesaid, together with the date of said certificates, and the dates of the approval of the same, and of the approval of said claims, and shall issue his warrants for the same, in the order in which said certificates and said claims shall appear upon his said register, commencing with No. 1.

Comptroller to register certificates.

No. 160. That nothing contained in the aforesaid resolutions shall apply to, or in any way affect the pay-rolls of the salaries of

Salaries of officers.

the officers, police, and employees of the city, and that said pay-rolls shall have preference in payment over all other claims of what nature soever.

City Ordinance, No. 2975. Approved August 14th, 1856.

See No. 181, No. 200 and No, 230.

COFFEE-HOUSES, CABARETS, BAR-ROOMS, ETC.

An Ordinance relative to Coffee-Houses, Cabarets, Bar-rooms, etc.

License, etc.

No. 161. (1.) Every keeper of a grog-shop, bar-room, tavern, cabaret, coffee-house, beer-house, pleasure-garden, saloon, theatre, ball-room, club-room, or any other establishment whatever, wherein spirituous or malt liquors are sold by the glass to be drunk on the premises, must obtain a license for that purpose, and pay the tax fixed by the ordinances establishing uniform rates of taxation, under the pains and penalties pronounced by said ordinances, and section 94 of the statutes, approved March 14, 1855.

Bond and surety.

No. 162. (2.) Every person applying to obtain a license, as aforesaid, shall subscribe a bond with surety for the sum of one thousand dollars, to secure the payment of such fines and taxes, said bond and security to continue in force eighteen months from the time it shall be furnished.

See "Bonds," page 24.

Sign.

No. 163. (3.) Every person who shall have obtained a license to sell spirituous or malt liquors by retail, shall place at his door, or in some conspicuous place on his house, his sign, on which shall be printed his name, and the number of his license, under a penalty of twenty-five dollars, and five dollars a day for every day he shall refuse or neglect to comply with this provision, after notice from the chief of the police.

No licenses to colored persons.

No. 164. (4.) No cabaret or coffee-house license shall, hereafter, be issued to any colored person.

Quantity of liquor.

No. 165. (5.) All persons who have obtained license to sell spirituous or malt liquors by the quart or bottle, are prohibited from selling the same in smaller quantities, and every person so selling shall pay a fine of not less than twenty-five, nor more than one hundred dollars—one-half for the use of the city, and the other half for the informer.

No. 166. (6.) Any person who, after having obtained one or more licenses for the purpose named in this ordinance, shall, without the consent of the mayor, make over and sell the same to others, shall, on conviction of the same, be fined fifty dollars for each license made over or sold, as shall each person who received or bought the same.

See No. 719.

No. 167. (7.) All coffee-house keepers and all other persons are prohibited from selling spirituous or fermented liquors of any kind to soldiers in the service of the United States, unless they bear a written permission from an officer of the army, under a penalty for every such offense of a fine of not less than fifteen dollars—one-half to the city, and the other half to the informer.

No. 168. (8.) Any keeper of a coffee-house, or place where spirituous liquor is retailed, who shall sell or give away any such liquor to slaves, without a written permission from their master, shall pay for every offense a fine not less than twenty, nor more than one hundred dollars; and every such vendor of spirituous liquors shall be punished with a like fine who shall furnish intoxicating drinks to slaves in exchange for goods or merchandise. All coffee-house keepers are responsible for the acts of persons in their employment who shall be guilty of any offense mentioned in this section.

No. 169. (9.) All coffee-houses, or other places where spirituous or malt liquors are sold at retail, which shall be found open in contravention of law, shall, after five days' notice, to be given by the treasurer in writing, be closed by the police at the order of the treasurer. The police are required to report in writing, through their captains, to the treasurer, all persons keeping public houses in contravention of law.

No. 170. (10.) It shall not be lawful for any owner or owners of coffee-houses, or other places where spirituous or malt liquors are sold by the glass, to open said house or place before four o'clock in the morning, or to keep the same open after twelve o'clock at night, under a penalty of not less than fifty dollars for each and every infraction of this provision.

No. 171. (11.) It shall be the duty of the chief of the police to arrest all persons who shall be found playing or causing to be played music in any bar-room, coffee-house, or other place where liquors are sold; who, upon conviction, shall be liable to a fine of not more than fifty dollars for each and every offense, and the coffee-house keeper shall be liable to the same penalty.

Disorderly
houses.

No. 172. (12.) The mayor, and also the chief of the police shall have power, in case of riots, fights, and disturbances of any kind in the neighborhood of bar-rooms, coffee or drinking houses, to notify the keepers or proprietors to close said houses, and in case of neglect or refusal, the keepers of said houses shall be liable to a fine of one hundred dollars for each offense.

Slaves in coffee
houses.

No. 173. (13.) It shall be the duty of the police to arrest all slaves caught drinking spirituous or malt liquors, or playing cards in grog-shops, or coffee-houses, or in the streets of the city.

Card playing, etc.

No. 174. (14.) It shall not be lawful for any keeper of any cabaret or coffee-house, to permit white persons and colored persons to play cards together, or any other game in their house, under a penalty of not less than twenty dollars, nor more than one hundred dollars for every offense, and a like penalty for each of the players; and it shall be the duty of the police officers who may discover an assembly of this kind to arrest all the parties engaged in it.

Election days.

No. 175. (15.) It shall not be lawful for any bar-room, coffee-house, cabaret, grog-shop, beer-house or beer-garden to be kept open on Presidential, State or General Municipal elections, from and after the expiration of licenses for the present year, under a penalty of one hundred dollars.

Repealing clause.

No. 176. (16.) All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

City Ordinance, No. 3134. Approved Dec. 13, 1856.

Relative to "Lewd Women," see No. 404.

" to "Slaves," see Nos. 763, 764, 765, 770.

" to "Tax and Licences," see Nos. 655, 718, 719, 720, 725, 731.

" to "City Tax," see No. 655.

ACTS OF THE LEGISLATURE.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the police juries of the several parishes, the municipal authorities of the several towns and cities, and the board of aldermen and assistant aldermen, together with the mayor of the city of New Orleans shall have the exclusive power to make such laws and such regulations for the sale or prohibition of the sale of intoxicating liquors as they may deem advisable, and to grant or withhold licenses from drinking houses and shops, within the limits of any city, ward of a parish or town as a majority of the legal voters of any city, ward of a parish or town may determine by ballot, and the said ballot shall be taken whenever deemed necessary by the police juries of the several parishes, the municipal authorities of the several towns and cities and the board of aldermen and assistant aldermen together with the mayor of the city of New

Police juries and
municipal author-
ities invested
with exclusive
power to regu-
late the sale of
intoxicating
liquors.

Licenses, how
granted or with-
held.

Orleans ; provided, that said election shall not be held more than once a year.—Act of 1855, p. 178.

SEC. 92. That whoever shall be guilty of keeping any disorderly inn, tavern, ale-house, tippling-house, gaming-house or brothel, shall suffer fine or imprisonment, or both, at the discretion of the court, and the offender may likewise be adjudged to forfeit his license to keep a house of public resort or entertainment.—Act of 1855, p. 144.

Disorderly
houses.

SEC. 94. That whoever shall keep a grog or tippling-shop, or retail spirituous liquors, without previously obtaining a license from the police jury, town or city authorities, on conviction shall be fined not less than one hundred, nor more than five hundred dollars, and in default of payment, shall be imprisoned not less than fifteen days, nor more than four months.—Act of 1855, p. 145.

Keeping grog
shop without
license.

COMMITTEES.

1.—FINANCE COMMITTEES.

No. 177. That the finance committee be and they are hereby authorized to withdraw all suits of the city taxes past due, when they shall be satisfied that the tax sued upon has either been paid or erroneously assessed.

City Ordinance, No. 535.

No. 178. That the finance committee be, and they are hereby authorized to employ a competent person as clerk of said committee.

Clerk.

City Ordinance, No. 2131. Salary \$1800 per annum by Ordinance, No. 3018.

No. 179. That from and after the passage of this resolution, all bills or certificates from any of the departments of the city government, whether provided for by contract or otherwise, shall be approved by the finance committee before being paid by the comptroller.

City Ordinance, No. 2175.

No. 180. That from and after the passage of this resolution, all applications for orders from any of the city officers, involving an expenditure of money, shall before being issued, be approved by the committee on finance of the board of assistant aldermen.

To approve appli-
cations for
orders.

City Ordinance, No. 2321. Fire commissioners' duties, see No. 314.

No. 181. That the finance committees of the common council be and they are hereby authorized to have such notes belonging to the city discounted, as they from time to time may deem advisable to the interests of the city, and for the purpose of applying the money, so obtained, to meet the current expenditures.

To discount
notes.

City Ordinance, No. 2932.

To report notes discounted.

No. 182. It shall be the duty of the finance committees to report to the common council whenever they shall have discounted any notes belonging to the city.

City Ordinance, No. 2959. Approved August 7, 1856.

To record judgments.

No. 183. That the chairmen of the committees on finance be and they are hereby required to cause all judgments rendered in favor of the city against delinquent tax payers, by the several justices of the peace, to be duly recorded in the mortgage office.

City Ordinance, No. 3136. See No. 28.

Duty as to "Comptroller," see No. 196.

Duty as to "Fiscal Agency," see No. 337.

ACTS OF THE LEGISLATURE,

Compensation of chairman of finance committee.

SEC. 101. That the chairmen of the finance committees of the common council shall receive, in full compensation for all their services rendered under this Act, the sum of two hundred dollars per month, and no more.—Act 1856, p. 158.

See Act 1856, p. 143, sec. 30.

2.—COMMITTEES ON STREETS AND LANDINGS.

To approve certificates, for work done.

No. 184. Hereafter all certificates of the surveyor and street commissioner for work done under contract for the city of New Orleans, shall be approved by the chairmen of the committees of streets and landings of the common council, or in the absence of the chairman of either committee, by the acting chairman, before said certificates are comptrolled by the comptroller.

City Ordinance, No. 102.

To approve specifications, etc.

No. 185. From and after the passage of this resolution, all specifications for public works shall be approved by the committee on streets and landings before being published, and that the comptroller be and he is hereby directed not to sell any contract until the specifications be prepared.

City Ordinance, No. 2176.

To fix number of carts and laborers.

No. 186. That the superintendence of carts and laborers shall hereafter be placed under the department employing them, and that as heretofore, the number of carts and laborers shall be fixed by the committees on streets and landings.

City Ordinance, No. 2212.

Their duty as to "Contracts," see No. 5, 235, 236.

3.—COMMITTEES ON WORK-HOUSES AND PRISONS.

To appoint secretary.

No. 187. That the committee on work-houses and prisons of the board of assistant aldermen be, and are hereby authorized to

appoint a suitable person, whose duty it shall be to keep the accounts and examine the bills, purchases, etc., of the committee of the same; also to act as secretary of all other standing committees of the board of assistant aldermen, with the exception of the committees of finance and streets and landings.

That the pay for the services of such person so appointed shall be fixed at one hundred dollars per month. Salary.

City Ordinance No. 1679. Made \$125 by Ordinance No. 2926.

4.—COMMITTEES ON HOUSE OF REFUGE.

No. 188. The standing committee on the house of refuge of either board of the common council shall have authority, at all times, to inspect the minutes of the proceedings of the board of commissioners, and all records of the institution; and it shall be the duty of said committees to visit the said house of refuge at least once every month. To inspect minutes of house of refuge.

City Ordinance, No. 1015. Article 5.

5.—COMMITTEES ON POLICE.

No. 189. That all furniture, fixtures, stationery, etc., bought by the police department of the city, or by the recorders or their clerks shall be bought by order and under the supervision of the police committees of the common council. To superintend purchases.

City Ordinance, 554.

6.—COMMITTEES ON FIRES.

No. 190. The chairmen of the fire committees of the common council shall have general supervision over the fire department created by this ordinance, and over the buildings and property of the city entrusted to the purchaser of the contract for the support and active working of said department, and shall, from time to time, report to said council upon the efficiency or inefficiency of said department, and upon the efficiency or inefficiency of said purchaser, and of the officers and men connected with the same. To supervise fire department.

City Ordinance, 2492. Article 42.

See "Fire Department." No. 272, etc., and No. 314.

7.—COMMITTEES GENERALLY.

No. 191. *Whereas*, By existing ordinances of the Municipalities and Lafayette, several of the committees have authority,

independent of the council, to order and contract for work involving the expenditure of money; and whereas, the 18th section of the act of consolidation contemplates, as well as sound policy dictates, that all expenditures should be kept as much as possible under the direct control of the council; therefore,

Power of committees to contract for work, etc.

Be it Resolved, That all ordinances, or parts of ordinances, conferring on any committee authority to order or contract for work, supplies, or anything involving the expenditure of money, be, and the same are hereby, repealed.

City Ordinance, No. 41. See No. 187.

Duty of Secretary of Board of Aldermen as to Committees, see "Common Council," No. 194.

ACTS OF THE LEGISLATURE.

Removal from office.

SEC. 11. That no committee of said councils shall ever be vested with power to appoint to office; and no officer shall be removed from office unless by a resolution of the council.—Act 1850, p. 131.

COMMON COUNCIL.

Petitions and claims.

No. 192. No consideration or notice will hereafter be taken of any petition or claim, unless the same be accompanied by the evidence or the names and residences of the witnesses to establish the claim, complaint or grievance to the attention of which the common council may be called.

City Ordinance, No. 1446.

Payment petitions, etc.

No. 193. All petitions presented to this common council in accordance with sections 114, 120 and 121 of the city charter, shall, by the secretary of the board to which the same may be presented, be sent to the official journal for publication, in accordance with the requirements of said charter, provided that the official journal shall make said publications at the expense of the petitioners.

City Ordinance, No. 2790.

Secretary of board of aldermen.

No. 194. That the salary of the secretary of the board of aldermen be increased to two thousand four hundred dollars per year, to commence from the first day of May 1854, and the said secretary, in addition to his present duties, shall be required to attend the sittings of the different committees of this board, to give any and all information touching the transaction of this board as may be required of him.

City Ordinance, No. 1623.

No. 195. From and after the first day of May, 1854, the salary of the secretary of the board of assistant aldermen shall be twenty-four hundred dollars per annum. Secretary of assistant board of aldermen.

City Ordinance, No. 1633.

No. 196. That the salary of the sergeant-at-arms of the board of aldermen be fixed at one hundred dollars, to date from the 16th of June, 1856. Sergeant-at-arms of board of aldermen.

City Ordinance, No. 2855.

For "Committees," see p. 48, and see "New Orleans," No. 488, *et seq.*

See "Official Paper," No. 562 and 564.

ACTS OF THE LEGISLATURE.

SEC. 2. That the city of New Orleans shall be divided into four districts, the numbers and limits of which shall be and remain as at present organized, and there shall be eleven representative wards, the numbers and limits of which shall be and remain the same as at present organized.—Act 1856, p. 137. City divided into districts and wards.

SEC. 2. That the city of New Orleans shall be divided into nine wards, as follows, to wit: Its division into nine wards.

1. The first ward to extend from the line of the parish of Jefferson, to the middle of Benjamin, Estelle and Thalia streets. First ward.

2. The second ward to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down the middle of said canal to Lake Pontchartrain. Second ward.

3. The third ward to comprise the residue of the Second Municipality. Third ward.

4. The fourth ward to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along the middle of said road to the New Orleans canal. Fourth ward.

5. The fifth ward to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the Bayou St. John, thence along the middle of said bayou until it intersects the Metairie road, thence along the middle of said road until it reaches St. Louis street. Fifth ward.

6. The sixth ward to be composed of the residue of the First Municipality. Sixth ward.

7. The seventh ward to extend from the middle of Esplanade street to the middle of Champs Elysees street. Seventh ward.

8. The eighth ward to extend from the middle of Champs Elysees street to the middle of Enghein street and Lafayette avenue. Eighth ward.

9. The ninth ward to extend from the middle of Enghein street to the lower limits of the parish of Orleans.—Act 1852, p. 43. Ninth ward.

SEC. 2. That the part now added to the city of New Orleans shall constitute the Fourth District of said city, and be entitled to elect one alderman; and said district shall be divided into two wards, viz:

One ward, which shall be the tenth ward of New Orleans, shall extend from the upper line of the parish of Orleans to the middle of First street, and shall elect two assistant aldermen; and,

Lafayette to be the fourth district of New Orleans, with one alderman, divided into two wards. First ward.

Second ward. Another ward, which shall comprise the remainder of the present city of Lafayette, shall be the eleventh ward of the city of New Orleans, and shall be entitled to one assistant alderman; provided, that the number of aldermen and assistant aldermen aforesaid, shall be liable to be changed at each appointment made by the common council of New Orleans, of the representation of the several districts and wards of said city.—Act 1852, page 55.

Board of aldermen and assistant aldermen. SEC. 3. That the legislative power of the city of New Orleans shall be vested in a board of aldermen and a board of assistant aldermen, who, together, shall form the common council of the city. The board of aldermen shall consist of nine members, who shall hold their office for two years, and shall be elected as follows: three by the first district, two by the second district, two by the third district, two by the fourth district. The board of assistant aldermen shall consist of fifteen members, who shall hold their office for two years, and shall be elected as follows: six by the first district, two from each ward in said district; four by the second district, two from the fourth ward, and one from each of the other wards in said district; three by the third district, one from each ward in said district, and two by the fourth district, one from each ward in said district.

Division of aldermen into classes, expiration of the term of each. SEC. 4. That at the first sitting of the common council in 1856, the aldermen shall be divided by lot into two classes. The seats of the first class shall be vacated at the end of one year, and the seats of the second class shall be vacated at the end of two years; provided, that one-half of the aldermen of each district shall constitute the first class; and at each annual election after that of 1856, a sufficient number of aldermen shall be elected to fill the places of those going out.

Division of assistant aldermen into classes, expiration of term of each. SEC. 5. That at the first sitting of the common council in 1856, the assistant aldermen shall be divided by lot into two classes. The seats of the first class shall be vacated at the end of one year, and the seats of the second class shall be vacated at the end of two years; provided, that seven of the assistant aldermen shall constitute the first class; and at each annual election after that of 1856, a sufficient number of assistant aldermen shall be elected to fill the places of those going out. Act 1856, page 137.

For "Qualification of Voters," see Act 1856, p. 138, sec. 10.

For "Election Precincts," see Act 1856, p. 138, sec. 12.

Vacancy in office of alderman or assistant alderman provided for. SEC. 16. That whenever a vacancy shall occur, by death or otherwise, in the office of alderman or assistant alderman, the board of aldermen or assistant aldermen, as the case may be, shall, as soon as practicable, order a new election to fill the vacancy for the remainder of the term.—Act 1856, page 139.

Organization of the boards. SEC. 18. That the members of the boards of aldermen and assistant aldermen, elected on the first Monday in June, 1856, shall meet at an hour in the afternoon of the third Monday in June, and shall organize in separate chambers. Each board shall appoint a president of its

own body, who shall serve one year in the board of aldermen, and one year in the board of assistant aldermen; shall choose its clerks and other officers; be judge of the election returns and qualifications of its own members; keep a journal of its proceedings, and have power to censure a member for disorderly conduct, and to expel a member by a vote of two-thirds of all the members elected, five days' notice and an opportunity of being heard in his defense having been previously given said member; but no member shall be twice expelled for the same offense. Each board shall sit with open doors, except when the public welfare shall require secrecy; a majority of each shall be a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members; and the yeas and nays shall be called at either board at the instance of any one member thereof.

President to be chosen by each board.
Duties and powers of boards.
Power of expulsion of members.

Further duties and powers of the boards.

SEC. 19. That the two boards of common council shall have separate chambers for meeting, and shall always act as separate bodies, but may appoint joint committees to report upon any subject, or to perform any act specially designated in the resolution appointing them. Each board may originate, amend, concur in or reject any ordinance or resolution, except as hereinafter excepted; but no ordinance shall become binding or take effect until it shall have passed both boards, and no ordinance levying a tax, making an appropriation exceeding five hundred dollars, or providing for the purchase or sale of real estate, shall be passed, except by a majority of the members elected in each board; nor shall any ordinance or resolution which shall contemplate a specific work or improvement, or the sale, disposition or the appropriation of public property, or the expenditure of public moneys, or the income therefrom.

Boards to meet and act separately.

Powers of boards in passing resolutions and ordinances.

SEC. 21. That no member of the common council shall hold any other employment or office under the government of New Orleans while he is a member of said council; and no member of the common council, or any officer of the corporation, shall be, directly or indirectly, interested in any work, business or contract, the expense or price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the common council; nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required. Act 1856, p. 140.

Members of common council prevented from holding certain offices, and from being interested as principal or surety in certain contracts.

For "Impeachments," see Act 1856, p. 141, sec. 22.

SEC. 23. That upon the first organization of the common council of the city of New Orleans, as herein provided, the city of New Orleans, as established by this act, shall be vested with all the powers, rights, privileges and immunities incident to a municipal corporation and necessary for the proper government of the same.—Act 1856, page 141.

Powers vested in common council.

An Act to limit the Indebtedness of the city of New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall not

Council prohibited from increasing the amount

of the indebtedness of the city.

hereafter be lawful for the council of the city of New Orleans to authorize any increase of the amount of the present indebtedness of said city.

When said indebtedness shall be reduced to \$12,000,000, it shall not be lawful to increase it in any manner.

SEC. 2. That after the total indebtedness of said city shall have been reduced, under the operations of existing laws, to the amount of twelve millions of dollars, it shall not be lawful for the city council to authorize any increase of said indebtedness beyond the sum herein specified, whether the said debt be in the form of bonds, loans, contracts, or engagements under any ordinance, resolution or other acts.

Warrants not to be issued by Comptroller unless there be funds appropriated to pay the same.

SEC. 3. That from and after the passage of this act, no warrant or order on the treasury of said city, for the payment of money, shall be issued by the comptroller or any other officer of the city, unless there be, at the date of such warrant or order, sufficient funds in the treasury, duly appropriated by the council to pay the same.—Act 1855, page 228.

An Act to define the Powers of the corporation of the city of New Orleans.

Duty of mayor and city council,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That from and after the passage of the present Act, it shall be incompetent to the mayor and city council of the city of New Orleans, or to either of the municipalities of said city, to enact, or to enforce or execute, any law, ordinance or regulation now enacted, whereby any tax, duty, impost or charge of any nature whatsoever shall be or is imposed upon goods, produce, wares, and merchandise, of whatsoever kind or nature, landed in, or shipped from, the corporate limits of said city.

SEC. 2. That nothing in this act shall be so construed as to interfere with any inspection or health laws which the said city of New Orleans may now, by law, be authorized to enact.—Act 1843, p. 55.

For "Specific Powers of Common Council," see Act 1850, p. 161, sec. 19.

Equal and uniform tax, to be levied annually.

SEC. 42. That the common council of the city of New Orleans shall, for the purposes of this act, once, and not oftener, in each and every year, lay an equal and uniform tax upon all property, real and personal, in said city; but said tax, added to the consolidated loan tax, and to the special tax for payment of the annual interest on the bonds issued by the city for subscriptions to the stocks of the New Orleans, Opelousas and Great Western Railroad Company, the New Orleans, Jackson and Great Northern Railroad Company, and the Pontchartrain Railroad Company, shall not in the aggregate be more than one dollar and fifty cents on one hundred dollars of valuation, except in case of invasion or insurrection: Provided, it be sufficient to pay the interest on the consolidated debts and railroad bonds issued by the city of New Orleans.

Rate of taxation.

Common council to divide the city into assessment districts; district to be assigned to each assessor.

SEC. 45. That the common council shall divide the city of New Orleans into convenient assessment districts, not exceeding the number of assessors elected; and shall assign to each assessor his district.—Act of 1856, p. 148.

SEC. 124. That the common council shall once in every twelve months, before fixing and deciding upon the amount of taxes to be assessed for the ensuing year, cause to be made out a detailed estimate, exhibiting the various items of liability and expenditure, including the requisite amount for contingent expenses, during said year; and shall cause the same to be published, for at least ten days, in the official journal of the city; and such rate of taxation, not exceeding one dollar and fifty cents on one hundred dollars of valuation, shall thereafter be fixed and assessed as, together with other revenues of the city, may be necessary to meet said estimated liabilities and expenditures. The adoption of said detailed estimate shall be considered as the appropriation of the amount therein stated for the purposes therein stated; and no money shall be drawn from the city treasury, except the same shall have been previously appropriated for the purpose for which it was drawn.

Detailed estimate of taxes to be published.

Adoption of said estimate considered as an appropriation.

No money to be drawn from city treasury, unless previous appropriation has been made.

Organization of the different departments by the common council.

SEC. 125. That the common council shall organize the departments of comptroller, treasurer, surveyor, street commissioner and city attorney, regulate the number of clerks and other officers to be employed by each department, and fix the salaries of such clerks and officers; said clerks and officers shall be appointed by said comptroller, treasurer, surveyor, street commissioner and city attorney, respectively, by and with the advice and consent of the board of aldermen; but said clerks and officers may be discharged by said comptroller, treasurer, surveyor, street commissioner, or city attorney, respectively, at pleasure; and in case of the discharge of any clerk or officer by said comptroller, treasurer, surveyor, street commissioner, city attorney, the fact of said discharge shall be communicated to the board of aldermen at its first meeting thereafter, together with the cause thereof.

Officers may be discharged by comptroller, etc.

SEC. 126. That the common council shall fix the compensation of the services of every officer of the city or of the State, whose said services are, by law, to be paid by the city of New Orleans.

Compensation of officers, how fixed.

SEC. 127. That it shall not be lawful for the common council to increase the salary or compensation of any officer, during the term for which said officer has been elected; nor permit the compensation of any salaried officer to be increased by allowing him any fees for the performance of any duty imposed on him by this act, or by said common council.

Salary or compensation not to be increased.

SEC. 128. That in addition to the power of removal by way of impeachment, the common council shall have power to remove, at any time, from office, any officer of the corporation, elected by said council, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the members elected to each board of said council shall vote in favor of said resolution.

Power of removal.

SEC. 132. That the common council of New Orleans shall have power to require bond and security from all persons holding any office of trust or emolument in the city administration, for such sum as it may deem proper.—Act 1856, p. 165.

Bond and security to be furnished by officers.

And see in General, Act 1836, p. 28.

“ “ Act 1850, p. 129 and p. 156.

“ “ Act 1852, p. 42 and p. 55.

“ “ Act 1853, p. 99.

“ “ Act 1855, p. 12 and 325.

“ “ Act 1856, p. 68, 109, and 136.

For Decisions of Supreme Court relative to the Powers, Duties, etc., of the Common Council, see “New Orleans.”

COMPTROLLER.

To control fiscal
affairs.

No. 197. (1.) The comptroller shall have a general superintendence of the fiscal affairs of the city corporation, and shall manage the same in the manner required by the city charter, by the laws of the State, and by the ordinances and resolutions of the common council not inconsistent with this ordinance.

To prescribe
mode of keeping
books.

No. 198. (2.) He, together with the chairmen of the finance committees of the common council, shall prescribe the mode and form of keeping the corporation books and accounts in every department entrusted with the receipt and expenditure of money, and the mode and form of the rolls to be used by the board of assessors in the assessment of the valuation of property for the purpose of taxation, except as it is provided in the city charter, approved March 12, 1856; and said books and accounts, and rolls and books kept by the board of assessors and board of supervisors shall be, at all times, subject to the inspection of the comptroller, the treasurer and chairmen of the finance committees of the common council and members of the common council.

His books and
accounts.

No. 199. (3.) He shall cause to be kept a full and regular set of books in detail, by double entry, of the fiscal operations of the corporation, in which shall be opened and kept as many accounts under appropriate titles, as may be necessary to show, distinctly and separately, all the receipts and expenditures of the corporation, all the debts due to it from others, each separate lot of real estate owned by it, and all the assets of the corporation of whatever kind. Said accounts shall be kept so as to show the amount raised from each source of revenue, and for each district of the city, as near as practicable, and the amount of expenditures classified by reference to the departments in which they originated; and when for improvements, classified by the several districts of the city in which made.

No. 200. (4.) He shall examine, audit and settle all claims Claims. or demands for or against the corporation, for which provisions have been made; and when no provision has been made, shall examine such claims or demands and report to the council the facts, with his opinion thereon; and all accounts or bills for the collection of the revenue shall originate in his office.

See "Claims," p. 43.

No. 201. (5.) He shall sign and approve all orders or other documents which may be necessary to enable any person to pay money into the treasury; shall issue all licenses which the city ordinances may require to be taken out by persons liable to be taxed therefor; and shall in each year, as soon as the rate of taxes for licenses may be fixed, deliver to the treasurer as many licenses, with the name of the person licensed in blank, with his, said comptroller's signature, as may be required, and shall take said treasurer's receipt therefor, specifying the aggregate amount of each class; and said treasurer shall exhibit from time to time, and at the end of the year return to the comptroller, cancelled, all such as may not have been disposed of, and credited by him in his account of receipts. To approve orders, etc., and to issue licenses.

No. 202. He shall in each year, as soon as the rate of taxes Tax receipts. on property may be fixed, cause to be prepared the tax receipts, and at or before the time fixed for the payment of said taxes, deliver the same to the said treasurer, who shall give his receipt therefor, specifying the aggregate amount thereof; and said treasurer shall from time to time exhibit to the comptroller all such as may not have been paid and credited in his accounts of receipts; and at the end of the period fixed by law for the payment of taxes by the tax payers into the treasury, said comptroller shall verify the said treasurer's receipt for tax bills with his account of receipts thereof, and the receipts of the city attorney or assistant city attorney for such as may have been delivered to him for collection, and debit the said treasurer with the deficiency, if any.

No. 203. He shall keep a separate book in which he shall charge the assistant city attorney with all bills, accounts and suits put into said attorney's hands for collection, and credit him with all amounts paid into the city treasury, so as to show at all times the amount of his liabilities. Bills for assistant city attorney.

No. 204. (6.) He shall draw and sign all warrants on the treasurer for moneys which may be authorized to be drawn from Warrants on the treasury.

the treasury, under any appropriation made by the common council; but he shall not warrant upon the treasurer for the payment of any bill, requisition, claim, pay-roll or demand of any nature whatsoever, whether the same arise out of contract or otherwise, except said bill, requisition, claim, pay-roll or demand is presented to said comptroller, with the signatures of the chairmen of the finance committees of the common council endorsed thereupon in approval of the same. And said comptroller shall retain in his hands, as his vouchers, all bills, requisitions, pay-rolls and other evidences, of claims and demand so warranted for by him, and shall register the same in regular order in a book kept for that purpose; but where a third party is liable to the city for payment or reimbursement, in whole or in part of any claim or demand so warranted for by said comptroller, said comptroller shall place said claim or demand in the hands of the city attorney for collection, taking his receipt therefor. And no warrant of payment shall be drawn by the comptroller in any case, unless the sum specified therein is covered by an appropriation previously made for that purpose by the common council. Nor shall the treasurer pay the same unless the resolution or ordinances making the said appropriation be distinctly cited in said warrant.

Semi-annual
report.

No. 205. (7.) He shall, in the months of January and July of each year, lay before the common council, in tabular form, a report of the expenditures and receipts, during the past six months, giving not only the various items of said expenditures and receipts, but a full detail of the names of all persons to whom money has been paid, or notes or bonds issued, the amount thereof, the number of the warrant and the date of the resolution or ordinance authorizing the expenditure. The report shall also embrace a statement of the indebtedness of the city, showing in detail all outstanding obligations, their date, amount, to whom and for what issued, when due, and under what resolutions or ordinance authorizing the expenditure. The report shall also embrace a statement of the indebtedness of the city, showing in detail all outstanding obligations, their date, amount, to whom and for what issued, when due, and under what resolutions or ordinances authorized. It shall also contain estimates to be made by the street commissioner, surveyor, and chairmen of the finance committees of the common council, of the receipts and expenditures for the current six months; also, a tabular statement showing separately the whole amount of each appropriation of money,

the amount paid under the same, and the balance, if any; also, a statement of all officers of the city charged with the receipt or disbursing the public money, who may have failed to settle their accounts or to pay over to the treasurer the amount due by them, at the time required by law or ordinance, with all particulars connected therewith; and also such suggestions as he may deem expedient for the support of the city's credit, lessening expenses of the city government, and generally all such matter in connection with the fiscal affairs of the city as the comptroller may consider of public interest.

Said report, in a condensed form, shall be published in book form, the number of copies to be fixed by the common council.

No. 206. (8.) He shall offer at public auction, or otherwise Sale of contracts, etc. as the common council may direct, and adjudicate to, or accept the sealed proposals or bids, of the lowest bidder who can furnish security satisfactory to the council, all contracts for public works, materials or supplies ordered by the common council; and shall adjudicate to the highest bidder all leases or farming of markets, ferries or grants, or leases of other privileges which may be sold by the council, and report said adjudication and the security offered to the common council at their next regular meeting thereafter. The said council may reject any bid at their discretion, and a failure to approve within sixty days of the adjudication shall be a rejection of a bid.

No. 207. (9.) He shall report to the common council Defalcations and official settlements. immediately any default or delinquency in any officer of the city charged with the receipt, custody or disbursement of public moneys; shall require, from every officer of the city charged with the receipts of public moneys, a settlement of his accounts at, or within, the period fixed for such settlements; and in cases where no period is fixed for settlements, then, every week, and shall require the payment into the treasury forthwith of any sum due by such officer.

No. 208. He shall report to the common council, in the Report of all contracts. month of April, of each year, a statement of all contracts made, or directed, or authorized by the corporation, classifying each, and not performed or completed, and upon which any money remains unpaid, with the amount so unpaid on each: Provided, he be authorized to require from the street commissioner, the surveyor, or any other officer in whose department such contracts are being executed, such information as the said comptroller may need to enable him to fulfill the duty imposed upon him by the present article.

Orders for stationery, etc.

No. 209. He shall, on requisitions of the several heads of departments, wharfingers, recorders and officers of the city duly authorized thereto, issue orders for coal, stationery, oils, etc., required by them in the discharge of their duties; but said orders shall be null and void unless duly approved and signed by either of the chairmen of the finance committees of the common council; and no debt contracted by any officer or officers of the city shall be recognized unless upon such requisition approved as aforesaid.

Appropriations.

No. 210. (10.) He shall report forthwith to the council every case in which an appropriation is exhausted, the object of which is not completed, with a statement of the moneys drawn, the particular purpose for which they were drawn, the cause of the deficiency, and an estimate of the amount necessary to complete the object of the appropriation.

Debts due the city.

No. 211. (11.) He shall direct legal proceedings to be taken for the recovery of every debt of every nature whatsoever due to the corporation, immediately upon the maturity of said debt, except when otherwise provided for; he shall report quarterly to the council a detailed statement of all debts due to the corporation, with all particulars connected therewith; he shall, whenever by law or ordinance the corporation may be entitled to any lien or privilege upon property, immediately upon the accruing of said privilege, cause the same to be recorded in the mortgage office of said parish; and he shall, from time to time, cause to be re-inscribed within the time to preserve the original lien, all judgments, mortgages for capital of ground rent, or other privileges to which the corporation may be entitled; and cause all judgments in favor of the city to be revived before the expiration of ten years.

Conditions of contracts.

No. 212. (12.) In all contracts adjudicated by the comptroller, one of the conditions shall be (to be stated by him at the time of the adjudication, and inserted in the specifications, if any be published) that in case of failure by the contractor to begin or finish the work within the period fixed, or in case the council be dissatisfied with the manner in which the work is being executed, the council shall have the right to annul the said contract without putting the contractor in default, and without applying to a court of justice to annul the same, and without indemnity; and also that in case the contractor shall at any time abandon any work or undertaking, or not finish and complete the same in conformity with his contract, such contractor shall forfeit all claim he may

have for any work or undertaking done by him up to the date of such abandonment, and such sum as may have been deposited in the treasury by such contractor, and the city shall be hereby discharged and released from any and all liability therefor; and that in case such work or undertaking be re-sold, the contractor and his surety or securities shall be held and bound *in solido* to pay unto the city all such loss or difference between the price at which such contractor originally contracted to perform the work or undertaking, and the price at which it may be adjudicated at a re-sale or re-adjudication; and in all cases of contracts in which the proprietors of property to be benefitted, or others may be liable by laws or ordinances for the whole or a portion of the cost, one of the conditions of the adjudication shall be that the contractor shall abandon all claim on the city for the proportion payable by the said property holder, or other person; and that the city will subrogate the contractor to all its rights and privileges against the said property holder, or other person.

No. 213. (13.) He shall, at the end of each quarter, compare the quarterly report of the treasurer to the council, and the voucher relating to the same, with the books of the office, and shall report to the council, quarterly, a detailed statement of the receipts and expenditures of the quarter, verified by a comparison of his and the treasurer's accounts. Treasurer's reports and accounts.

No. 214. (14.) He shall, when satisfied that errors have been committed in the assessment of taxes, or in the bills for taxes or other branches of revenue, or where several portions of property belonging to different persons have been assessed in one parcel, or when property has been omitted to be assessed, report the same to the council, and make such alteration or additional assessment as may be just. Errors in assessments.

No. 215. (15.) He shall from time to time inspect the lists prepared by the treasurer, of persons liable to tax for license; and shall verify the same by a comparison of the assessment for the like object of the State assessors, and by the receipts of other years, and by any other means in his power, and shall report to the council from time to time the plans for the more effectual collection of the license taxes and all others. Treasurer's list of taxable persons, etc.

No. 216. (16.) He shall require that all bonds to be given by officers of the city for the faithful performance of their duties, shall be executed before him. Bonds of officers.

To sign certain
bonds.

No. 217. (17.) He shall sign, with the mayor and treasurer, all bonds issued by the commissioners of the consolidated debt of the city; and shall, in addition to the duties enumerated, perform such others as the council may prescribe.

His deputies.

No. 218. (18.) By and with the advice and consent of the board of aldermen, the comptroller shall appoint the following officers, to be employed by him by the year, viz :

A deputy comptroller, whose duty shall be to aid and assist the comptroller in the performance of all the duties imposed upon the latter, and to act and sign in his place in case of absence or sickness ; for whose official acts said comptroller and his sureties shall be responsible.

A book-keeper, an assistant book-keeper, and a clerk.

The salaries of those officers shall be as follows, to wit :

Deputy comptroller.....	\$1800
Book-keeper.....	1500
Assistant book-keeper..	1500
Clerk.....	1200

And paid monthly by the treasurer, and when the time for preparing the tax bills shall arrive, every year, the comptroller shall be allowed such a number of extra clerks, and for such a length of time, as the chairmen of the finance committees may think proper; the salaries of these extra clerks to be fixed by the chairmen of the finance committees and the comptroller, and paid as provided for by the said officers.

Archives.

No. 219. (19.) The comptroller shall keep in his office all titles, deeds, contracts, official bonds and evidences of debt, belonging to the city, except such as may be directed by him to be kept elsewhere.

See No. 1.

His bond, etc.

No. 220. (20.) He shall, previous to entering on the discharge of the duties of his office, execute his bond before the mayor in favor of the city, in the sum of twenty thousand dollars, with two or more good and sufficient securities, in *solido*, conditioned for the faithful performance of the duties of his office, and for that of his deputies, for whose acts he shall be liable, and also for the transferring to his successor all the books and papers of his office ; and the council may require new and additional security whenever it may deem that given insufficient.

Repealing clause.

No. 221. (21.) All resolutions or ordinances contrary to the provisions of the present ordinance are hereby repealed.

No. 222. (22.) This ordinance shall go into effect and be When to go into effect.
in full force from and after its passage.

City Ordinance, No. 3017. Approved August 25, 1856.

No. 223. That the comptroller be requested to keep a book, His books.
on the credit side of which shall be entered all ordinances or
resolutions authorizing the payment of money; and on the debit
side all payments made in pursuance of them.

Ordinance No. 2588.

No. 224. From and after the passage of this resolution, all Specifications.
specifications for public works shall be approved by the committee
on streets and landings before being published, and that the
comptroller be and he is hereby directed not to sell any contract
until the specification be prepared.

Ordinance, No. 2176.

No. 226. From and after the passage of this resolution, it To re-sell certain contracts.
shall be the duty of the city notary, upon the promulgation
of all resolutions approving the adjudications of contracts, to
notify the parties thereof, through the post-office, and, if within
ten days thereafter the contractors and securities have not
signed their contracts, it shall become his duty to inform the city
comptroller thereof, and said comptroller shall, after five days
notice in the official journal, proceed immediately to a new sale,
the amount deposited by the previous contractor being forfeited
in favor of the city.

City Ordinance, No. 1696.

No. 226. From and after the passage of this resolution, it Checks.
shall be the duty of the treasurer of the city of New Orleans, in
drawing checks as treasurer of said city, to draw the same
payable to the order of the comptroller of the city, which checks
shall also be countersigned by the comptroller and registered by
him in a book especially set apart for that purpose.

The comptroller of the city of New Orleans shall render Weekly reports.
weekly to the common council a detailed statement, showing for
what purposes said checks were drawn.

City Ordinance, No. 2634.

No. 227. That the comptroller be, and he is hereby author- Redemption of notes.
ized to comptrol all checks issued by the treasurer, having for
their object the redemption of notes upon which the city may
be liable as endorser, and which may have been protested for
non-payment.

City Ordinance, No. 2954.

Debts of late municipalities, etc.

No. 228. From and after the passage of this resolution the comptroller, in comptrolling bills for work contracted for by either of the late Municipalities or the city of Lafayette, and payable in bonds or notes bearing interest, may issue cash warrants on the treasurer for the same.

City Ordinance, No. 311.

To collect city rents, etc.

No. 229. It shall be the duty of the street commissioner to make a list of all the improved property of the city subject to rent, and to rent and collect all rents and dues for the same, and pay the amounts collected to the city treasury, making a monthly report of the same to the finance committees.

City Ordinance, No. 1893. Amended by No. 230.

Amending No. 229.

No. 230. That resolution No. 1893, approved December 8th, 1854, be so amended as to substitute the words "city comptroller" in place of the words "street commissioner."

City Ordinance, 3040. See No. 490.

To "register certain Certificates," see No. 159.

Duty relative to "Fiscal Agency," see No. 333.

Duty as to "Printed Forms," etc., see Nos. 568 and 571.

ACTS OF THE LEGISLATURE.

For his election see Act 1856, p. 138, sec. 8, (placed under title of "Officers.")

Duties and powers of Comptroller.

SEC. 30. That the comptroller shall have a general superintendence of the fiscal affairs of the corporation. He, together with the chairmen of the finance committees of the common council, shall prescribe the mode and form of keeping the corporation books and accounts in every department entrusted with the receipt and expenditure of money, and the mode and form of the rolls, except as hereinafter provided, to be used by the board of assessors, in the assessment of the valuation of property for the purpose of taxation, and said books, and accounts and rolls, and books kept by the board of assessors and board of supervisors, shall be, at all times, subject to the inspection of the comptroller, the treasurer, and chairmen of the finance committees of the common council. The comptroller shall examine and audit all claims and demands against, or in favor of the corporation; and all accounts for the collection of the revenue shall originate in his office. No money shall be received by the treasurer or any other officer, from any source whatever, except on a written order, receipt, or other document, signed by the comptroller; and no money shall be paid out of the treasury, unless authorized by an ordinance or resolution of the common council, and on a warrant signed by the comptroller. All accounts or bills for the collection of revenue, shall be divided into classes, corresponding with the different sources from which said revenue is drawn; and the accounts or bills, of each class, shall be numbered from one upwards; and said account or bill, when delivered to the treasurer, shall be charged to said treasurer on the books

of the comptroller, as cash received by said treasurer, to be accounted for by him. The comptroller shall not warrant upon the treasurer for the payment of any bill, requisition, claim, pay-roll, or demand of any nature whatsoever, whether the same arise out of contract or otherwise, except said bill, requisition, claim, pay-roll or demand, is presented to said comptroller with the signatures of the chairmen of the finance committees of the common council endorsed thereupon, in approval of the same; and said comptroller shall retain in his hands, as his vouchers, all bills, requisitions, pay-rolls and other evidences of claims and demands so warranted for by him, and shall register the same in regular order in a book kept for that purpose; but where a third party is liable to the city for payment or reimbursement, in whole or in part, of any claim or demand so warranted for by said comptroller, said comptroller shall place said claim, or demand, in the hands of the city attorney for collection, taking his receipt therefor. The comptroller shall keep a full set of books, in which all the fiscal operations of the corporation shall be recorded. He shall, in the months of January and July, of each year, lay before the common council a report of the receipts and expenditures during the past six months, giving, not only the various items of said receipts and expenditures, but a full detail of the names of all persons to whom money has been paid, or notes or bonds issued, the amount thereof, the number of the warrant and the date of the resolution or ordinance authorizing the expenditure. The report shall also embrace a statement of the indebtedness of the city, showing in detail all out-standing obligations, their date, amount, to whom and for what issued, when due, and under what resolutions or ordinances authorized. It shall also contain estimates, to be made by the street commissioner, surveyor, and chairmen of the finance committees of the common council, of the receipts and expenditures for the current six months. Said report, in a condensed form, shall be published in book form. All contracts for public works, or for materials or supplies ordered by the common council, shall be offered by the comptroller at public auction, and given to the lowest bidder, who can furnish security satisfactory to the common council; or the same shall, at the discretion of the common council, be advertised for proposals, to be delivered to the comptroller in writing, sealed, and to be opened by said comptroller, in presence of the chairmen of the finance committees of said common council; and given to the person making the lowest proposal therefor, who can furnish security satisfactory to the common council: provided, that the common council shall, in either case, have the right to reject all bids or proposals. All bonds shall be signed by the mayor, and countersigned by the comptroller and treasurer. The comptroller shall also, immediately after the election of a fiscal agent, as provided by this act, furnish said agent, under the provisions of this act, with such a description of each coupon, its number, letter, amount, time to run, when due and where payable, as will be sufficient to identify the same. He shall also furnish such samples and descriptions as said agency may require for the use of its agents, in places out of New Orleans. And he shall generally, in addition to the duties herein enumerated, perform all such other duties as the common

Salary of Comptroller. council shall prescribe ; and he shall receive for his services as a salary \$4,000 per annum.—Act 1856, p. 143.

Warrants not to be issued by Comptroller unless there be funds appropriated to pay the same.

Sec. 3. That from and after the passage of this act, no warrant or order on the treasury of said city, for the payment of money, shall be issued by the comptroller or any other officer of the city, unless there be, at the date of such warrant or order, sufficient funds in the treasury, duly appropriated by the council to pay the same.—Act 1855, p. 228.

See Act 1856, p. 160, sec. 108, (placed under "Ordinances.")

See Act 1856, p. 160, sec. 111, (placed under "Revenue.")

See Act 1856, p. 166, sec. 125, (placed under "Officers.")

See Act 1855, p. 288, (placed under "Contracts.")

CONSOLIDATED CITY DEBT—TAX, ETC.

For the Consolidated Loan Tax for the year 1856, see "Revenue," No. 734.

Bonds, how to be signed.

No. 231. He, (the comptroller) shall sign, with the mayor and treasurer, all bonds issued by the commissioners of the consolidated debt of the city; and shall, in addition to the duties enumerated, perform such others as the council may prescribe.

City Ordinance, No. 1442. Art 17.

No. 232. *Whereas*, the city of New Orleans is still interested in a large number of unsettled and unliquidated suits, entered prior to the consolidation of this city in the year 1852;

And *whereas*, there may be expected to be found, under due examination of numerous municipal contracts and other documents and records, a number of just causes of claims against third parties, which claims lay unknown to the present government of the city, and which it is desirable and beneficial to discover, settle and liquidate;

And *whereas*, all sums accruing from the liquidation of said old suits, and the settlement of said unknown claims could be properly applied to the extinguishment of the debts of the old city, and also of the debts of the city of Lafayette, incurred before the time of their consolidation in a single corporation;

And *whereas*, such old suits require special searches, and laborious and exceptional proceedings which cannot be considered as incumbent upon the city attorney, nor making part of his legal and regular duties;

And *whereas*, such unknown titles of claims against third parties require, if any there are, great exertions to be detected

and determined, which exertions cannot be asked for from any of the regular officers of the city:

(1.) *Be it resolved*, That the board of commissioners of the consolidated debt of New Orleans are hereby empowered and authorized to terminate, settle and liquidate in the name of the city of New Orleans, by way of judicial proceedings, compromise or otherwise, with full power to act, to them granted hereby, for any such old suits not yet liquidated, in which the cities of New Orleans and Lafayette acted as plaintiffs, prior to the consolidation of this city, in the year 1852, either under the old corporation of the city of New Orleans prior to its division in three distinct corporate bodies in the year 1836, or under its existence into three municipalities before their consolidation in 1852, and also under the old corporation of the city of Lafayette prior to the year 1852, and also under the old corporation of the parish of Orleans, and either in the name of said cities of New Orleans or Lafayette, or in the names of the Municipalities, Nos. One, Two and Three of the city of New Orleans, or also in the name of either the general council or the general sinking fund of the city of New Orleans, or also in the name of the police jury of the parish of Orleans.

Commissioners
to compromise,
etc.

(2.) That said commissioners of the consolidated debt of New Orleans, are hereby authorized to secure the services of, and to contract with suitable persons to make the necessary searches and complete such proceedings as may be necessary to liquidate and settle such old suits, and also to detect and discover such title of unknown claims in which the city of New Orleans may be interested against third parties, but in which no action has been taken up to this date, and for which the said board of commissioners of the consolidated debt of New Orleans are hereby authorized to sue for and settle by way of compromise or otherwise, in the name of the city of New Orleans.

To appoint col-
lectors, etc.

(3.) That such persons so selected by the said board of commissioners of the consolidated debt of the city of New Orleans, for the purpose of liquidating such old suits and discovering such unknown titles of claims, be entitled to receive by contract, such per centage out of the proceeds of the settlement of such old suits or unknown claims as may be agreed on by said commissioners, provided such persons bind themselves to take charge of all expenses or costs which may be incurred in consequence of the revival of such old suits; and in case the city of New Orleans should recover nothing from the same, and

Collectors' com-
pensation.

provided said contractors enter into bonds in the sum of \$10,000, with good security, subject to the approval of said board of commissioners of the consolidated debt of the city of New Orleans, and so conditioned as to cover, secure and exonerate the city of New Orleans against any eventual payment or disbursement of money for any of the causes aforesaid; and provided it be well understood that said contractors shall have in no case, anything to claim as a compensation for their services, or as a reimbursement of their expenses, or otherwise, from the city of New Orleans.

City Ordinance, No. 1759. Approved July 27th, 1854. See No. 491.

Additional city
debt.

No. 233. *Whereas*, From the report of the commissioners of the consolidated debt, it appears that there matured on the 1st July, 1855, sixty-eight bonds of the old city, of \$1,000 each, issued to Andrew Hodge; also, on the 1st Nov. 1855, three hundred and twenty-eight bonds of the old city, of \$1,000 each, issued to the Draining Company, amounting in all to \$396,000—the same being a part of the consolidated debt of the city of New Orleans. And, *Whereas*, The charter of the city provided that new bonds of the city should have been exchanged for the same or sold for the purpose of paying the same. And, *whereas*, after duly advertising, no bids were received, satisfactory to the commissioners, whereupon the sale was deferred, and the holders of the bonds notified that interest would be paid upon the same until redeemed, at the rate of six per cent. per annum. Therefore,

Be it Resolved, That the Citizens' Bank of Louisiana (the fiscal agent of the city) be and is hereby authorized to pay to the holders of the aforesaid bonds the semi-annual interest as the same may become due, at the rate of six per cent. per annum, from the maturity of the bonds until the principal be redeemed, when such interest as may have accrued since the last payment of interest be also paid to the holders of said bonds, out of the money deposited to the credit of the consolidated loan tax with the said fiscal agent.

That the comptroller of the city be directed to receipt to the said fiscal agent, for any sums paid on account of the above resolution, out of the consolidated fund.

That a copy of the above preamble and resolutions be forwarded to the cashier of the Citizens' Bank.

City Ordinance, No. 2730. Approved May 2d, 1856.

ACTS OF THE LEGISLATURE.

SEC. 37. That the debt of the general sinking fund, commonly called the old city debt, and the debts of the three municipalities, whether in the form of bonds, notes, interest coupons, cash warrants, or any other species of obligation whatever, shall be assumed and paid by the city of New Orleans, and said city is hereby declared liable therefor. The mayor, comptroller and treasurer, and the chairmen of the finance committees of the two boards of the common council, shall constitute a commission, to be called the commissioners of the consolidated debt of New Orleans; and they shall have power to issue bonds of the city of New Orleans, having not more than forty years to run, with interest, payable at such place as may be agreed on between said commissioners and the parties to whom the bonds are issued, in semi-annual coupons, in exchange for any bonds, obligations or debts of the old corporation, or of any of the municipalities, whether matured or not; or to sell the new bonds and apply the proceeds to the payment of the matured debts of the old corporation, or of the municipalities, but to no other purpose. The bonds thus issued shall form a stock, to be called the consolidated debt of New Orleans. At the time this act goes into operation, an exact and detailed statement of the indebtedness of the old corporation, and of each municipality, shall be filed in the office of the comptroller, by the secretary of the board of liquidators and the municipal comptrollers respectively, when the commissioners of the consolidated debt shall proceed to divide the debt of the old corporation between the several municipalities, in proportion to the assessed value of real estate within the limits of each, according to the State assessment roll for 1851. The amount thus apportioned to each, together with its individual indebtedness at the time this act goes into operation, shall constitute the separate debt of each municipality, and shall be known as the debt of municipality No. one, No. two and No. three. The common council shall annually, in the month of January, pass an ordinance to raise the sum of six hundred thousand dollars by a special tax on real estate and slaves, to be called the consolidated loan tax; and the rate per cent. of said tax in each municipality shall be in proportion to the indebtedness of each. All ordinances, resolutions or other acts passed by said council, after the first day of January in each year, shall be null and void, unless the ordinance imposing the consolidation loan tax shall have been previously passed. At the end of each and every year, any surplus of the consolidated loan tax remaining in the treasury, after the payment of all the interest and the expenses of the management of said debt, shall be applied to the purchase, from the lowest bidder, of such bonds issued under this act as have the shortest period to run; and the common council shall have the right of rejecting all bids demanding more than the face of the bonds; for which purpose public notice shall be given by the comptroller, in the official gazette for thirty days, inviting proposals from bondholders for the sale to the city of the bonds herein described. From and after the passage of this act, no obligation or evidence of debt of any description whatever, except those herein authorized, shall be

The debts of the three municipalities, and of the general sinking fund, to be assumed by the city of New Orleans.

Commissioners of the consolidated debt of New Orleans.

Their powers in relation to the bonds or obligations of the city.

Creation of the consolidated debt of New Orleans.

Apportionment of the debt of the old corporation.

Raising of a consolidated loan tax.

Surplus of the consolidated loan tax, how disposed of.

Restrictions imposed upon the corporation of New Orleans, as to issuing bonds or other evidences of debt.

issued by the city of New Orleans, or under its authority; nor shall any loan be contracted, unless the same be authorized by a vote of a majority of the qualified voters of said city, which shall be taken in the manner prescribed by the city council, after ten days' proclamation by the mayor, in the newspaper chosen by the common council; and no ordinance creating a debt or loan shall be valid, unless for some single object or work distinctly specified therein, and unless such ordinance shall provide ways and means for the punctual payment of running interest during the whole time for which said debt or loan shall be contracted, and for the full and punctual discharge at maturity, of the capital borrowed or debt incurred; and such ordinance shall not be repealed until principal and interest of the capital borrowed, or the debt incurred, are fully paid and discharged.—Act 1852, p. 53.

Debt of Lafayette assumed by New Orleans.

SEC. 5. That the debt of the city of Lafayette shall be assumed and paid by the city of New Orleans, and the said city of New Orleans is hereby declared liable therefor; and the amount of said debt shall be ascertained, and its payment provided for, and made in the same manner as the debt of each municipality of New Orleans is ascertained and provided for in the act to which this act is a supplement; and in raising annually the consolidation loan tax for the payment of the debt of New Orleans, an additional sum of fifty thousand dollars shall be raised for the purpose of providing for the debt of the city of Lafayette, now added to that of New Orleans, so that the whole amount of the annual levy of taxes for the payment of the debt of New Orleans, shall be six hundred and fifty thousand dollars.—Act 1852, p. 56.

Payment of said debt, how provided for.

Equal and uniform tax, to be levied annually.

SEC. 42. That the common council of the city of New Orleans shall, for the purposes of this act, once, and not oftener, in each and every year, lay an equal and uniform tax upon all property, real and personal, in said city; but said tax, added to the consolidated loan tax, and to the special tax for payment of the annual interest on the bonds issued by the city for subscriptions to the stocks of the New Orleans, Opelousas and Great Western Railroad Company, the New Orleans, Jackson and Great Northern Railroad Company, and the Pontchartrain Railroad Company, shall not in the aggregate be more than one dollar and fifty cents on one hundred dollars of valuation, except in case of invasion or insurrection: Provided, it be sufficient to pay the interest on the consolidated debts and railroad bonds issued by the city of New Orleans.—Act of 1856, p. 148.

Rate of taxation.

See Acts of 1855, p. 228.

CONTRACTS AND CONTRACTORS.

Surety to possess real estate.

No. 234. Any person or persons contracting with the mayor and common council of the city of New Orleans for any work to be done in pursuance of law or ordinance, or any

person or persons accepting any office of trust or emolument from said corporation, who are required by law or ordinance to give bond for the faithful performance of the duties devolving upon him or them, shall be, and are hereby, required to furnish security, who shall be possessed of real estate to the amount of the obligation of said bond. The corporation reserving the right of demanding additional security whenever deemed advisable.

City Ordinance, No. 233. See No. 74.

No. 235. From and after the passage of this resolution, all specifications for public works shall be approved by the committee on streets and landings before being published, and that the comptroller be and he is hereby directed not to sell any contract until the specifications be prepared.

Approval of specifications, etc.

City Ordinance, No. 2176. See No. 556.

No. 236. All specifications for contracts to be let or sold at auction by the comptroller, shall be made and published at least five times in the official journal prior to the day of said sale or letting, which specifications shall be approved by the chairmen of the committees on streets and landings.

Publication of specifications.

City Ordinance, No. 246.

No. 237. From and after the passage of this resolution, all persons to whom contracts may be adjudicated by the comptroller, shall, at the time of adjudication, offer good and sufficient security for the faithful performance of the said contracts, who shall immediately enter into an agreement binding themselves in that capacity.

Contractor's duty as to security.

No. 238. That resolution No. 286, approved September 22d, 1852, be and the same is hereby repealed.

Repealing proviso.

City Ordinance, No. 722.

No. 239. That from and after the passage of this resolution, it shall be the duty of the city notary, upon the promulgation of all resolutions approving the adjudications of contracts, to notify the parties thereof, through the post office, and, if within ten days thereafter, the contractors and securities have not signed their contracts, it shall become his duty to inform the city comptroller thereof, and said comptroller shall, after five days' notice in the official journal, proceed immediately to a new sale, the amount deposited by the previous contractor being forfeited in favor of the city.*

Duty of city notary, etc.

City Ordinance, No. 1696.

No. 240. That the comptroller be instructed to demand from all purchasers of contracts adjudicated by him, under authority of

Contractors to deposit ten per cent., etc.

the common council, as a deposit in cash, at the time of adjudication, a sum equal to ten per cent. on the estimated amount of the contract sold, provided said amount of deposit shall not be less than fifty nor more than five hundred dollars, on the condition that said deposit shall be returned to the depositor whenever the council may reject the adjudication, or, whenever the depositor and his securities shall have signed the act of contract before the city notary, in cases where the council may have approved and accepted the adjudication, but in cases whenever the council may approve and accept the adjudication, and the purchaser of the contract, or either of his securities refuse or neglect to sign the contract before the Notary within ten days after such approval and acceptance, then the whole amount of said deposit shall be forfeited to the use of the city, to reimburse the city for the charges and damages resulting from the non-compliance of the party, on his part, to enter into contract; and in case a party to whom a contract may be adjudicated, shall refuse to make a deposit, as aforesaid, the said adjudication for said cause shall be declared by the comptroller as null and void, and he shall thereupon proceed to offer said contract for sale, and disregard any bid from the party delinquent, as aforesaid; and provided always, that in all cases of sales of contracts by the comptroller, by authority of this council, unless otherwise provided for in the resolution authorizing the sale, the council reserves the right of rejecting or approving the adjudication as may be deemed advisable or expedient; and all ordinances or resolutions inconsistent with this be, and the same are hereby repealed.

City Ordinance, No. 2156. Approved May 15, 1855.

For "Conditions of all Contracts," see No. 212.

See "Comptroller," No. 206 and No. 208.

Non-fulfillment
of contracts.

No. 241. It shall be the duty of the surveyor to report to the council the non-fulfillment of all contracts in which the city may be interested.

City Ordinance, No. 455.

Extra work.

No. 242. All claims against the corporation for extra work connected with contracts, shall not be included in the surveyor's certificates to the contractors, but separate bills shall be brought before the common council.

City Ordinance, No. 318.

As to "Right of city officers to Contract," see "Officers," No. 556.

Certificates bearing interest, see No. 158.

See "Bonds," page 24.

For City Tax on Bonds, etc., see No. 689.

Certificates to Contractors, see No. 802.

Fines, etc., see No. 807

ACTS OF THE LEGISLATURE.

An Act entitled an Act relative to works of Improvement in New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That all public works, materials or supplies susceptible of being put under contract, the costs thereof exceeding five hundred dollars, shall be sold by the comptroller at public auction, and given to the lowest bidder who shall give adequate security; provided that the comptroller shall have the right, at the time of the adjudication, to refuse such bid or bids as are injudicious or against the interest of the city.

SEC. 2. That any party bidding for the works contemplated by this act, shall have the right to appeal to the common council from the decision of the comptroller, in case said party should feel aggrieved.

SEC. 3. That the common council shall not have the power to release any contractor from a strict compliance with the conditions of his contract, but may grant an extension of time to parties for the completion of their contracts, when in their opinion it may be just and proper and for the interest of the city.—Acts of 1855, page 288.

SEC. 21. That no member of the common council shall hold any other employment or office under the government of New Orleans while he is a member of said council; and no member of the common council, or any officer of the corporation, shall be, directly or indirectly, interested in any work, business or contract, the expense or price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the common council; nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required. Acts of 1856, p. 140.

Members of common council prevented from holding certain offices, and from being interested as principal or surety in certain contracts.

See Acts of 1856, p. 143, sect. 30.

CORONER.

No. 243. (1.) From and after the passage of this ordinance, the coroner shall receive, for each inquest held in the city of New Orleans, the sum of ten dollars, which amount shall be in full, and shall include physicians' fees, jurors' fees, burial expenses, and all other costs incident to the duties of coroner. Coroner's fees.

(2.) The sum of seven dollars only shall be allowed said coroner by the city of New Orleans, for services performed as above, when the friends of the deceased shall claim the right of burial, or there is property belonging to the deceased sufficient to defray the expenses of the same.

(3.) The sum of five dollars only shall be allowed when, in conformity with section 2, act No 243, approved May 1, 1847, no inquest shall be deemed necessary, which sum shall include burial expenses, and all other charges incident thereto.

Repealing clause. No. 244. (4.) That ordinance No. 239, approved August 2, 1852, together with all other ordinances that may affect this ordinance be and the same are hereby repealed.

City Ordinance, No. 2254, approved June 23, 1855.

For Coroners' Physician, see "Physician," No. 584.

ACTS OF THE LEGISLATURE,

An Act to regulate and define the duties of Coroner.

Election of coroner in each parish. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That a coroner shall be elected in each parish by the qualified voters thereof, on the first Monday of November, eighteen hundred and fifty-five, and every two years thereafter; he shall take the oath prescribed by the Constitution, and shall give bond and security according to law, in the parish of Orleans, in the sum of twenty-five thousand dollars, and in the other parishes of the State in the sum of three thousand dollars. Should a vacancy occur subsequent to an election, it shall be filled by the governor, and the person so appointed shall continue in office until his successor shall be elected and qualified.

His oath and bond.

Vacancy how filled.

To be conservator of the peace.

In case of vacancy to act as sheriff.

To make inquiries and bury bodies in certain cases.

Slaves to be buried at the expense of their owners.

Certificate to be made where inquests are not taken.

SEC. 2. That he shall be a conservator of the peace within the extent of his parish.

SEC. 3. That in case of vacancy in the office of sheriff, the coroner shall exercise the duties of sheriff until the appointment or election of a successor; and while acting as such, he shall receive the same fees as are allowed by law to the sheriff.

SEC. 4. That it shall be his duty, on being informed of the violent death of any person within his parish, the cause of which is unknown, immediately to proceed and view the body, and make all proper inquiry respecting the cause and manner of the death; and if from such inquiry he shall be satisfied that no person has been guilty of causing or procuring the death, and that there are no suspicious circumstances attending it, he shall, without further proceedings therein, deliver the body to the friends, if any there be, for interment; in case there are no friends who will take charge of the body, and if the deceased shall not have left property sufficient to pay the expenses of the burial, then it shall be the duty of the coroner to bury it. All slaves shall be buried at the expense of their owners.

SEC. 5. That where inquests are not taken, he shall make a certificate of the following or similar import, to wit:

I, _____, coroner of the parish of _____, having notice of the death of _____, and having viewed the body of the said _____, and made inquiry respecting his death, do certify that I

am satisfied no guilt attaches to any person by reason of the death, and that an inquest is unnecessary,—(and where it shall have become necessary to bury the dead body, the certificate shall continue and say)—That the deceased has no friends who appear to take charge of and bury his body, nor, as I can ascertain, has he left property sufficient to defray the expenses thereof; I have therefore buried the same.

Which certificate shall be filed in the office of the clerk of the court of the country parishes, and in the office of the Fourth District Court in the parish of Orleans. Certificate where filed.

SEC. 6. That if the coroner shall have reason to suspect that the person whose body he shall have been called to view, came to his death by violence, then and not otherwise it shall be his duty forthwith to proceed and take inquest of said death. In what cases inquests shall be held.

SEC. 7. That when an inquest is to be held, the coroner shall summon forthwith five citizens residing in the parish to appear before him, at the time and place expressed in the summons, then and there to inquire upon view of the body of _____, there lying dead, when and by what means he came to his death. Jury of inquest to be summoned.

SEC. 8. That if any person summoned as a juror shall fail to appear, without reasonable excuse therefore, he shall forfeit the sum of twenty dollars. All forfeitures under this section, in New Orleans and Jefferson, may be recovered for the benefit of the Charity Hospital of New Orleans, by suit to be brought by the administrators of the hospital. And that in the country parishes all forfeitures recovered under this section, shall be deposited in the parish treasury and for the use of said parish, by suit to be brought before a justice of the peace and in the name of the police jury thereof. Fine imposed on jurors for non-attendance.

SEC. 9. That when the jurors who have been summoned, appear, the coroner shall call over their names, and then, in view of the body, he shall administer to them the following oath: Disposition of fines.

You solemnly swear that you will diligently inquire and true presentment make, on behalf of the State, when and by what means the person whose body here lies dead, came to his death; and you shall return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you. So help you God.

If any of the five jurors summoned shall not appear, the coroner shall summon jurors from the bystanders to complete the number of the jury. Oath of jurors.

SEC. 10. That he may summon witnesses at such time and place as he shall direct; the person summoned shall be subject to the same penalties to be expressed in the summons for non-attendance, as if they had been served with a subpoena on behalf of the State to attend a justice's court. It shall be his duty, if necessary, in order to ascertain the cause of death, and at the request of the jurors in writing, to cause some surgeon or physician to be subpoenaed to appear as a witness at the inquest; and the written request of the jurors that the testimony of a physician or surgeon is necessary to enable them to form a verdict Bystanders to be summoned in certain cases.

Attendance of witnesses may be enforced.

A physician may be subpoenaed to appear in certain cases.

as to the cause of death, shall be by the coroner filed with the corporation, or other body charged with the expenses of the inquest; and if he refuse or neglect to file the written request as above, he shall be liable to pay the fee of the surgeon or physician, which shall not exceed ten dollars.

Oath of witnesses.

SEC. 11. That he shall administer the following oath to the witnesses:

You solemnly swear that the evidence which you shall give on this inquest, concerning the death of the person here lying dead, shall be the truth, so help you God.

Testimony to be reduced to writing.

SEC. 12. That the testimony of all witnesses examined on any inquest, shall be reduced to writing and subscribed by the witnesses.

Verdict of jury.

SEC. 13. That the jury, upon the inspection of the body, and after hearing the testimony of witnesses and making all needful inquiries, shall draw up and deliver to the coroner their inquisition, under their hands, in which they shall find and certify when and by what means the deceased came to his death, and his name, if it is known, together with all material circumstances attending his death, and if it shall appear that the deceased was feloniously killed, the jurors shall further state who were charged with being guilty, either as principals or accessories, if known, or with being in any manner the cause of his death, which inquisition may be in substance as follows:

Form thereof.

An inquisition taken at _____, in the parish of _____, on the _____ day of _____, in the year _____, before _____, the coroner of the parish of _____, upon the view of the body of _____, (or a person) there lying dead. The jurors whose names are hereunto subscribed, having been sworn to inquire on behalf of the State when and by what means said _____ came to his death, upon their oath do say:—(then insert when, how and by what person or persons, means, weapons or instruments he was killed.) In testimony whereof the coroner and jurors of this inquest have hereunto subscribed their names, the day and year aforesaid.

Witness shall be bound to appear at court.

SEC. 14. That if the jury find that any murder or manslaughter has been committed on the deceased, the coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next court to be held in the parish at which an indictment for such offense can be found; he shall also return to the court the inquisition, written evidence, and all recognizance and examinations by him taken, and may commit to the jail of the parish any witnesses who shall refuse to recognize in such manner as he shall direct.

Return to be made by coroner. Certain witnesses may be committed to jail.

Duty of coroner to make arrest.

SEC. 15. That if any person charged by the inquest with having committed such offense shall not be in custody, the coroner shall arrest and conduct him before some committing magistrate, in the parish in which the inquest is held, to be examined and proceeded with according to law.

Expenses of inquests how paid.

SEC. 16. That the expenses of the inquest, with the coroner's fees, shall be paid by the parish, incorporated city or town, within which the

body was found, when the coroner shall make out an account of the expenses of the inquest, and certify under oath that the charges are no more than allowed by law; and in case the charges in the altered account are more numerous than allowed by law, he shall be liable to the penalties of perjury. Penalty for over-charging.

SEC. 17. That the coroner of the city of New Orleans shall have the power of appointing a deputy to act for him in case of sickness or necessary absence, for whose acts he shall be responsible. Coroner of New Orleans may appoint a deputy.

SEC. 18. That the common council of the city of New Orleans, and the parochial authorities of the several parishes, shall have the power to fix the fees or salary of the coroner and all expenses attending the inquest. Fees and expenses to be fixed by common council of New Orleans, and by the parochial authorities in the several parishes.

SEC. 19. That any person who shall have knowledge of a drowned person, or shall find a corpse adrift, shall be authorized to take it ashore. He shall give notice to the nearest inhabitant, and shall immediately call a justice of peace of the neighborhood, or two witnesses, to ascertain the situation of the deceased, and draw a proces verbal thereof, to be signed by the justice or the witnesses, and to be transmitted to the clerk of the district court. Mode of proceeding to examine the body of persons found drowned.

SEC. 20. That the justice of the peace in and for that portion of the parish of Orleans situated on the right bank of the Mississippi river is hereby authorized to act as coroner whenever a dead body shall be found lying within the limits of that portion of the parish of Orleans, and justices of the peace in the country parishes are empowered to perform the duties of the coroner, in case of there being none, or of his absence or inability to attend. Justices of the peace to act as coroner in certain cases.

SEC. 21. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 83. Certain laws repealed.

An Act concerning Coroners in the city of New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the common council of the city of New Orleans shall have power to fix the fees or salary of the coroner of said city, and also all expenses attending inquests. Common council to fix fees of Coroner.

SEC. 2. That the 25th section of the act entitled "an act to regulate and define costs and fees generally," approved March 14, 1855, be and the same is hereby repealed. Act of 1855 repealed.

SEC. 3. That this act shall take effect from and after its passage.—Acts of 1856, page 14. When this act takes effect.

CORPORATIONS.

For "Municipal Corporations, and their Duties, Powers, etc.," see "New Orleans."

ACTS OF THE LEGISLATURE.

An Act to regulate Corporations generally.

When a corporation may be sued in cases of trespass.

Railroad companies may mortgage their roads in whole or in part.

Effect of the mortgage upon the property so mortgaged.

Mortgages where recorded.

Annual report to be made by insurance companies.

Report to be made annually by the agent of insurance companies not incorporated.

Penalty for neglect or refusal to make the report.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That in all cases where any corporation shall commit trespass or do anything for which an action for damage lies, it shall be liable to be sued in the parish where such damage is done or trespass committed.

SEC. 2. That any railroad company established under the laws of this State may, to secure the payment of any obligation contracted by said company for the construction of the road, mortgage their road, in whole and in part; and such mortgage, if made of the entire road, shall bear upon the entire road, though the same be not completed at the time the mortgage was made; and such mortgage may also be made to bind the appurtenances of said road, its warehouses, depots, water stations, locomotives, etc.

SEC. 3. That a mortgage made by any of the companies shall bind the road, its warehouses, depots, water stations, locomotives, and other appurtenances, that may be mortgaged in the several parishes where the same may be, by the record of the mortgage in the parish where the principal office or domicile of the road may be; and such mortgage need not be reinscribed to continue it in force.

SEC. 4. That the officers of each insurance company incorporated by the laws of this State shall, within one month from the close or expiration of each year of the corporation, cause to be published in two or more daily newspapers published in the city of New Orleans, and for the term of at least one month, a full statement under oath of the business of the company, which statement shall contain, first, the amount of premium received during the previous year, specifying what amount was received for life insurance, for insurance against fire, what on marine policies, and what on river policies; second, the amount of losses incurred during the year, specifying and designating what amount of losses have been incurred by the different kinds of policies as aforesaid; third, the amount of capital, stating the portion of the same invested in securities, and the nature of the securities.

SEC. 5. That every person acting as agent of an insurance company not incorporated by the laws of this State, and doing fire, marine or river insurance within the city of New Orleans, shall, during the month of January of each year, cause a full statement, under oath, of the business of the agency, to be published in the manner and form and for the term, as specified in the preceding section; and for the neglect or refusal so to do, shall forfeit or pay into the city treasury the sum of one thousand dollars for each and every neglect or refusal. Whenever the parent or principal office of the agency shall publish an annual statement of its affairs, the time mentioned in the first part of this section for the publication of the affairs of the agency, shall be so far changed as to correspond with the annual statement of the insurance company, and shall then be published as aforesaid, within one month from the date of the publication.

SEC. 6. That each incorporated insurance company and agency of any foreign insurance company, in the city of New Orleans, shall be taxed five hundred dollars per annum, said tax to be collected by the state tax collector for the parish of Orleans, and as soon as collected shall be paid into the city treasury, to the credit of the fire department, to be divided equally between the different fire, hose, and hook and ladder companies, in such manner as may be determined by a majority of the firemen of said companies.

Tax to be paid by foreign insurance companies.

Manner of collecting such tax.

SEC. 7. That whenever the charter of any corporation in this State shall be decreed forfeited by any competent court, the district attorney of the district shall forthwith inform the governor of the fact, who shall thereupon appoint a liquidator to take charge of and liquidate the affairs of the corporation, as in case of insolvencies of individuals. In case of death, resignation or removal of any liquidator so appointed, the governor shall fill the vacancy; and in case of refusal of any person appointed to act as liquidator, he shall appoint the district attorney of the district, who shall be dispensed with giving bond and security. This section shall not apply to banking or other corporations whose liquidation is otherwise provided for by law.

Corporation charter when forfeited, how proceeded against.

The duty of the district attorney and of the governor.

Vacancies, by whom filled.

Who may be appointed liquidator.

Proviso.

SEC. 8. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 485.

Certain laws repealed.

An Act for the organization of Corporations for Works of Public Improvement and Utility.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall be lawful for any number of persons, not less than six, on compliance with the provisions following, to form themselves into and constitute a corporation for the following purposes, to wit: For the construction, working and maintenance of railroads, canals, plankroads, bridges, ferries and other works of public improvement, whether within or without the limits of this State, to effect fire, marine, river and life insurance; to carry on manufactures of cotton, woolen, linen, silk and hempen cloths and cordage; to construct and carry on iron, brass and copper foundries; to construct and maintain drydocks or floating docks for the building or repairing of ships and other vessels; to construct and carry on works to supply cities or towns with gas or water; to compress cotton; to the manufacture of iron, copper, lead or other metals, earthenware or stoneware, engines, cotton gins, machinery, paper, gunpowder, agricultural implements; to establish companies for refining sugar; and for sea navigation by steam; to create lines of telegraph, and to establish chemical laboratories and manufactures of all kinds; to open and work mines; to construct and maintain docks, steamships, and other vehicles for the transportation of freight or passengers; and generally all works of public utility and advantage. No corporation shall engage in mercantile or agricultural business, nor in commission, brokerage, stock-jobbing, exchange or banking business of any kind.

Any number of persons, not less than six, authorized to form themselves into a corporation for certain purposes.

Powers of such corporations.

SEC. 2. That said corporations shall have power and authority, first, to have and to enjoy succession by their corporate name, for the period expressed in their act of incorporation, not exceeding twenty-five years; second, to contract, sue and be sued in their corporate name; third, to make and use a corporate seal; fourth, to hold, receive, purchase and convey under their corporate name, property both real and personal; fifth, to name and appoint such managers, directors and officers as their interest and convenience may require; sixth, to make and establish such by-laws for the proper management and regulation of the affairs of the corporation as may be necessary and proper.

What shall be contained in the charter of said corporations.

SEC. 3. That every charter of incorporation shall contain, first, the name and title of the corporation, and the place chosen for its domicile; second, a description of the purposes for which it is established, the nature of the business to be carried on, and the designation of the officer on whom citation may be served; third, the amount of the capital stock, the number of shares, the amount of each share and the time when and the manner in which payment on stock subscribed shall be made; fourth, the mode in which the elections of directors or managers shall be conducted; fifth, the mode of liquidation at the termination of the charter.

Record of charter, when and how made.

SEC. 4. That the charters of corporations, and the original subscriptions made for the purpose of organizing them, shall be recorded in the office of the recorder of mortgages, or other officer exercising his functions, at the place selected for the domicile of the corporation, and shall be published in a newspaper at its domicile once a week, at least for thirty days, but it shall not be necessary to publish the names of the subscribers; and any subscriber may present the charter and subscriptions for record with the recorder of mortgages.

Amendments to charter, how made.

SEC. 5. That it shall be lawful for the stockholders of any corporation, at the general meeting convened for that purpose, to make any modifications, additions or changes in their act of incorporation, or to dissolve it with the assent of three-fourths of the stock represented at such meeting; any such modification, addition, change or dissolution shall be recorded as required by the preceding section.

Charter how forfeited. Consequences of forfeiture.

SEC. 6. That they shall forfeit their charter for insolvency, evidenced by a return of no property found on execution; and in such case it shall be the duty of the district court, at the instance of any creditor, to decree such forfeiture and to appoint a commissioner for effecting the liquidation, whose duty it shall be to convert all the assets of the company, including any unpaid balances due by stockholders on their shares, into cash, and to distribute the same under the direction of the court amongst the parties entitled thereto in the same manner, as near as may be, as is done in cases of insolvency of individuals.

Restrictions upon certain corporations.

SEC. 7. That no railroad, plankroad nor canal shall be constructed through the streets of any incorporated city or town without the consent of the municipal council thereof.

Extent of responsibility of stockholders.

SEC. 8. That no stockholder shall ever be held liable or responsible for the contracts or faults of such corporation in any further sum than the unpaid balance due to the company on the shares owned by him;

nor shall any mere informality in organization have the effect of rendering a charter null or of exposing a stockholder to any liability beyond the amount of his stock.

SEC. 9. That in all cases where railroads, plankroads or canals shall cross any highway, the corporation shall so construct the works as not to hinder, impede or obstruct its safe and convenient use; and in all cases where railroads, plankroads or canals shall be constructed or dug across any plantation or land in cultivation, or that may be cultivated, the corporation shall so construct the work as not to hinder, impede or obstruct the drainage of the land; and if any railroad or plankroad shall in its course cross any tide waters or navigable rivers or streams, the company may erect, for the sole and exclusive use of such railroad or plankroad, the bridges required for crossing, but such bridges shall be so constructed as not to obstruct or necessarily impede the navigation of said waters or streams.

Rights and duties of railroad, plankroad and canal companies in constructing works across highways or plantations.

SEC. 10. That all laws contrary to the provisions of this act, and all laws upon the same subject-matter, except what is contained in the Civil Code and Code of Practice be repealed.—Act 1855, p. 182.

Certain laws repealed.

An Act for the organization of Corporations for Literary, Scientific, Religious and Charitable Purposes:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That whenever any number of persons, exceeding six, may be desirous of forming themselves into a corporation or body politic, for any religious, scientific, literary or charitable purpose, and to acquire and enjoy the rights, privileges and powers of a body corporate and politic in law, it shall be lawful for such persons to prepare and sign an instrument, either in an authentic form or under private signature, wherein they shall declare and specify the purposes and objects of such corporation; the name, style and title thereof; the place chosen for its domicile; the manner in which such managers and officers are to be chosen; the officer on whom citations may be served; and the length of time during which the corporation shall exist and continue. The act of incorporation shall be handed to the district attorney of the district in which the domicile is fixed, for examination as to its legality; and should he be of opinion that the purposes and objects of the corporation, as specified in said act, are legal, and that none of the provisions therein contained are contrary to law, he shall endorse his opinion to that effect thereon. The act, together with the opinion of the district attorney, shall then be recorded in the office of the parish recorder, or other officer performing the duties of parish recorder, which act, when so recorded, shall constitute the subscribers to the same, and their associates and successors, a body politic and corporate, for the purposes and objects declared and contained in the act and shall have continuance and succession by the name, style and title as set forth in the act, a copy of which, duly certified by the officer in whose office the same is recorded, shall be full and complete evidence of the contents of the original act. In no case shall the provisions of this section be construed to apply to free persons of color

Manner in which any number of persons, exceeding six, may form themselves into a corporation for religious, scientific, literary or charitable purposes.

in this State, incorporated for religious purposes or secret associations.

In what case a rule may be taken on district attorney.

SEC. 2. That in case the district attorney shall neglect or refuse to give the certificate required by the above section, the applicant may take a rule on him in the district court of the parish in which it is intended for such corporation to have its domicile, to show cause within ten days from the service thereof why the applicant should not be created a corporation according to the terms and conditions set forth in the act of incorporation. Should the district judge be of opinion that the purposes and objects of the corporation, as specified in the act, are legal, he shall give judgment accordingly, a copy of which judgment shall be recorded with the act in the office of the recorder of mortgages, or other officer exercising his duties, in lieu of the certificate of the district attorney.

How amendments may be made.

SEC. 3. That when any corporation may be desirous of improving, amending or altering the articles and conditions upon which the corporation may be incorporated, it shall be lawful for such corporation in like manner to draw up an act specifying and containing the alterations, improvements or amendments which they may desire to make in the original act of incorporation, which act shall be handed to the district attorney for his opinion as to the legality of the alterations, amendments or improvements proposed, and he shall give his opinion touching the legality of the same; and in case of the refusal or neglect of the district attorney to give the certificate required, the parties may take rule on him to show cause, as provided in the preceding section; which certificates of the district attorney, or opinion of the judge, shall be recorded in the manner and form required above.

Powers of such corporations.

SEC. 4. That such corporation shall have full power and authority to make, have and use a common seal, with such device and inscription as they shall respectively deem proper, and the same to break, alter and amend at their pleasure, and by the name, style and title by them respectively provided and declared aforesaid, shall be capable in law to sue and be sued, and shall be authorized and empowered to make rules, by-laws and ordinances, and to do everything needful for their good government and support not repugnant to the constitution and laws of the United States, to the constitution and laws of this State, or to the instrument upon which the corporation respectively are formed and established.

Further powers of corporations.

SEC. 5. That said corporation shall be capable in law, according to the terms and conditions upon which the said corporations are formed and established; to take, receive and hold all manner of lands, tenements, rents and hereditaments, and any sum of money, and any manner and portion of goods and chattels given and bequeathed unto them or acquired by them in any manner respectively; to be employed and disposed of according to the objects, articles and conditions of the instrument upon which the corporations respectively are formed and established, or according to their articles and by-laws, or of the will and intention of the donors.

SEC. 6. That no corporation, organized by authority of this act, shall hold property of a value exceeding three hundred thousand dollars. No church corporation or minister of the gospel, for himself or the benefit of a church corporation, shall be allowed to accept a bequest made *in articulo mortis*.

Restrictions upon such corporations.

SEC. 7. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 185.

Repealing clause.

An Act to extend the powers of Railroad Companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That in addition to the powers conferred by law upon railroad companies, any railroad company established under the laws of this State may borrow from time to time such sum of money as may be required for the construction or repairs of any railroad, and for this purpose may issue bonds or their obligations, secured by mortgage upon the franchises and all the property of said companies, and payable at such times and places as the president and directors may designate, with power to sell, pledge or otherwise dispose of said bonds, on such terms as the said president and directors may deem expedient.

Power to borrow money by issue of bonds secured by mortgage.

SEC. 2. That a mortgage made by any company, as aforesaid, shall be binding in the several parishes through which a railroad may pass, by the record of the mortgage in the parish where the principal office or domicile of the company may be located, and such mortgage need not be re-inscribed to continue it in force. The president and directors of any company may confer on the holder of any bond or bonds issued for money for the use of said company, the right to convert the principal, due thereon, into the stock of said company at any time, not exceeding ten years from the date of said bond or bonds, under such regulations as the president and directors may adopt; provided, that nothing in this act shall be so construed as to authorize an increase in the capital stock of any railroad company.

Mortgage when recorded to be binding.

Right may be granted to convert bonds into capital stock.

SEC. 3. That copies of all the books and records kept by the several railroad companies in this State, including extracts from the stock books and minutes of the proceedings of the Directors, certified by the secretaries of said companies, under the seal of the company, shall be received in all the courts of this State as evidence in place of the originals.

Certified copies of certain papers may be received in evidence.

SEC. 4. That this act shall take effect from and after its passage.—Acts of 1856, p. 205.

When this act takes effect.

For Telegraph Companies, see Act of 1855, page 109. For Corporations generally, see Civil Code, Art. 418, *et seq.*

COTTON PRESSES AND PICKERIES.

An Ordinance relative to Cotton Presses and Pickeries.

Not lawful to erect, etc.

No. 245. (1.) It shall not be lawful for any person or persons, without the permission of the common council, to erect within the limits of the city any building for a cotton press or cotton pickery, or to use any building or lot for that purpose, under the penalty of a fine of not less than ten dollars nor more than twenty-five dollars for each day that such building or lot shall be used in violation of this ordinance.

Repealing clause.

No. 246. (2.) All ordinances or parts of ordinances conflicting with the foregoing provisions, and all ordinances and parts of ordinances on the same subject-matter, are hereby repealed.

City Ordinance, No. 3150. Approved Dec. 17, 1856.

For "City Tax," see Nos. 658 and 663.

CURRENCY—BOARD OF.

ACTS OF THE LEGISLATURE.

An Act to authorize and require the State Treasurer and Secretary of State to perform the duties heretofore required of the Board of Currency, in supervising the operations of the banks.

Certain duties relative to the banks assigned to the State treasurer and secretary of state.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the State treasurer and secretary of State shall take care that the paper money issued under the authority of the State be not depreciated, and for this purpose the following powers are vested in them, to wit:

To supervise the execution of the laws regulating banks.

1st. To supervise the faithful execution of the laws establishing and regulating banks, and of the charters and by-laws of all banks working under them.

Quarterly examination.

2d. Thoroughly to examine the affairs of any bank, whenever they may deem it expedient to do so, and at least quarterly.

Weekly statement to be made by bank officers.

3d. To require of the president and cashier of each bank, on Saturday of each week, the following statement in a printed form signed by them:

First Capital realized, \$——,

Second. Amount of "dead weight," under the respective heads of real estate, loans on stock, long loans, personal or otherwise, protested paper and, in fine, of all assets not realizable within ninety days.

Third. Movement of the bank, to wit: Loans on paper payable at maturity, and intended to meet the two-thirds of cash liabilities unrepresented by specie; Circulation; Deposits and other cash liabilities; Specie and cash assets.

Said statements shall be regularly furnished on the last Saturday of each month, and shall be signed by the treasurer and secretary, and published in the State paper, on the first Monday in each month. Monthly publication.

SEC. 2. That the treasurer and secretary, whenever they may think it expedient, shall have a right to call a meeting of the proprietors of any one of the banks, to take cognizance of its affairs, and to call annually, and at least thirty days before the election of directors for the ensuing year, a meeting of the proprietors or stockholders of each bank, and to lay before them full reports of its operations during the year, and of its real situation. Power to call meetings of proprietors of banks.

SEC. 3. That they shall lay before the Legislature, in the first week of their annual session, or as soon as practicable thereafter, a full copy of all proceedings at such meetings of the stockholders, and of all their own doings during the year. And it shall be the duty of the president and cashier of each bank to furnish them copies of any protest that may be entered by any director of the bank, so soon as the same shall be entered in its minutes. Report to the legislature.
Copies of protest to be furnished by president and cashier.

SEC. 4. That as a compensation for the duties herein required of the treasurer and the secretary of State, they shall be entitled to demand yearly each the sum of twelve hundred dollars, free from all expenses of office. Their expenses shall not exceed the yearly sum of one thousand dollars. Their compensation and expenses shall be assessed upon all banks subject to their supervision in proportion to the capital paid in by each bank respectively. Compensation.

SEC. 5. That all laws contrary to the provisions contained in this act, and all laws upon the same-subject matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 119. Repealing clause.

An Act relative to the Board of Currency.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That an additional member of the board of currency, as now constituted, shall be appointed by the governor of the State, by and with the advice and consent of the Senate. Additional member of the board of currency to be appointed by the governor.

SEC. 2. That the additional member provided for in the first section of this act, shall be a citizen of this State, and before entering upon his duties shall subscribe to the oath prescribed by the ninetieth article of the Constitution; he shall reside in the city of New Orleans, and shall preside at all meetings of said board; he shall hold his office for the term of four years, unless sooner removed by the governor of the State; he shall, in the absence of the other members of the board, supervise all proceedings as provided for in an act entitled "an act to authorise and require the state treasurer and secretary of state to perform the duties heretofore required of the board of currency, in supervising the operations of the banks," approved March 12th, 1855. Qualification of said member.
Oath of office.
His duties.

SEC. 3. That the president of the board of currency shall receive an annual compensation of two thousand dollars, to be paid in the same manner as the other officers of said board are now paid. Salary of the president of the board of currency.

SEC. 4. That this act shall take effect from and after its passage.—Acts of 1856, p. 130. When it is act takes effect.

DAIRIES.—See “STABLES,” No. 780.

DRAINS, DRAINING COMPANY.

DECISION OF SUPREME COURT.

Gutters and drains in the city of New Orleans are intended to carry off the water which falls from rains, or percolates through the ground, and they can be used by manufacturers as drains, only when that use does not result in a nuisance; and this right is dependent upon the will of the local government—5 Ann. p. 424.

For late decision relative to right of company to receive dues for draining, see 11 Ann.

ACTS OF THE LEGISLATURE.

For Incorporation of Draining Company, see Acts of 1835, p. 67.

ELECTIONS.

An Ordinance prescribing the manner of holding all elections that may become necessary by virtue of the third section of the act of Legislature, passed on the 12th of March, 1852, entitled “an act providing for the subscription of the Parishes and Municipal Corporations of this State, to the stock of corporations undertaking works of Internal Improvements, and for the payment and disposal of stock so subscribed.”

Subscription to
stock companies.

No. 247. (1.) Whenever it shall become necessary to hold the special elections required under the 3rd section of the act of the Legislature, passed on the 12th March, 1852, entitled “an act providing for the subscription by the parish and municipal corporations of this State, to the stock of companies undertaking works of internal improvement, and for the payment and disposal of stock so subscribed”—the said election shall be held and conducted in the same manner as if provided in the act consolidating the city of New Orleans for all other municipal elections; the officers shall be appointed and qualified and the returns made, and the result proclaimed in the manner specially pointed out in the 11th and 12th sections of said last named act; but it shall not be necessary to hold the election at more than one precinct in each ward, which shall be designated by the mayor in the advertisement calling the election.

Duty of treasurer.

No. 248. (2.) That the city treasurer proceed immediately to prepare an alphabetical list of all persons paying taxes on

landed estate in the city of New Orleans, and to keep said list in his office, and to correct the same from time to time, as often as the changes in the names of the tax payers may require it, and it shall be the duty of said city treasurer, whenever a special election is ordered as aforesaid, to furnish a copy of said list for each precinct at which the votes are ordered to be taken, to the commissioners or inspectors of election.

City Ordinance, No. 36; approved May 17th, 1852.

No. 249. Hereafter the amount to be allowed for payment of refreshments to judges and clerks of elections held in the city of New Orleans, shall not exceed the following rates, to wit; twelve dollars at precincts where less than two hundred votes shall be polled, and three dollars in addition on every additional one hundred votes received in the larger precincts, provided that in no case shall the amount allowed exceed twenty-five dollars. Refreshment expenses.

City Ordinance, No 121.

No. 250. Any member connected with the police department who shall improperly interfere at elections, or make use of the influence of his office in elections, shall be discharged. Police interference.

City Ordinance, No. 28. Article 17.

For advertising Election Notices, see "Official Paper," No. 565.

Coffee Houses not to be kept open on election days, see No. 175.

STATE CONSTITUTION.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 98. In all elections by the people the vote shall be by ballot, and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

See Constitution, Art. 126.

DECISIONS OF SUPREME COURT.

An action of damages will lie against the commissioners of elections, when their decision is not the result of error but of malice, and intent to deprive the citizen of his right, or to overawe and control him in its exercise.—6 Ann. p. 467.

ACTS OF THE LEGISLATURE.

For Number and Limits of Wards, see Acts of 1852, p. 43, sect. 2, placed under title of "Common Council."

SEC. 12. That on or before the first Monday in May, 1856, the common council shall lay out and establish a sufficient number, not less Duty of common council to establish election precincts.

than four, of election precincts in each of the districts established by section second of this act; each of which precincts shall contain, as nearly as practicable, an equal number of qualified voters. And the common council shall make an accurate description of said precincts, and cause the same to be published in the official journal of the said common council, and if at any election thereafter more than five hundred votes be polled in any of said precincts, then at some period, at least forty days previous to the next succeeding election, the common council shall rearrange the divisions of the precinct or precincts wherein such vote has been polled, and increase the number thereof if necessary. And in case the said common council shall fail to make such rearrangement of said precincts, the mayor shall make the same at least thirty days previous to the next succeeding election.

Appointment and qualifications of inspectors and clerks of elections.

SEC. 13. That the election at each of said precincts shall be conducted by three inspectors of elections, one of whom shall be appointed by the mayor of the city of New Orleans for the time being, one by the board of aldermen, and one by the board of assistant aldermen. Two clerks shall also be appointed at each of said precincts; one by the board of aldermen, the other by the board of assistant aldermen, and they shall possess the same qualification required for the officers named in section seven, without the qualification as to property. The said inspectors and clerks shall be legally qualified voters of the precincts in which they act, and shall be severally sworn by the mayor two days previous to the election, according to the provisions of the ninetieth article of the Constitution of the State, and they shall take the further oath that they possess the qualifications prescribed by this act. Said inspectors and clerks shall be appointed at least ten days before the election; and the mayor shall cause to be published in the official journal, at least five days before the election, a proclamation, setting forth the day on which the election is to take place, the precincts and polls established, the names of the inspectors and clerks at each, and the hours at which the polls will be opened and closed; provided, that in case of a vacancy in the office of inspector or clerk at any precinct, arising from the neglect or refusal of either board to appoint, or the neglect or refusal of the person appointed to attend, or the sickness or death of the person appointed, it shall be the duty of the mayor to supply the place of the absent inspector, and of the inspectors to supply the place of the absent clerk.

Publication to be made by the mayor.

Returns of election, how made.

SEC. 14. That the returns of said election shall be made by said inspectors to the mayor, or, in case said mayor be a candidate for re-election, to the sheriff of the parish of Orleans, who shall in the presence of the recorders of said city, specially notified by the mayor or sheriff, as the case may be, for that purpose, within three days after said returns have been received, and with the aid of said recorders, open and examine said returns, and proclaim the result of said elections, which they shall cause to be published under their official signatures in the official journal of said common council; provided, that in the event of the failure to attend of the mayor or recorder, or any of them,

at the time and place appointed, the absentee's duties may be fulfilled by any justice of the peace; and provided further, that any justice of the peace may take the place of any mayor or recorder interested in said returns.—Acts of 1856, p. 138.

See "Act relative to Elections," Acts of 1855, p. 408.

Acts of 1856, p. 117, and p. 9.

EVENING GUN.

No. 251. That the captains of police of the first, second, third and fourth districts be, and are hereby, instructed to purchase the powder necessary for firing the evening guns in said districts, and present the vouchers for the same, after they have been approved by the chief of police, and it shall be the duty of the said captains to detail a member of the police force of each of said districts to fire the said evening guns, without extra compensation.

Purchase of powder.

City Ordinance, No. 292.

As to the "Hour of firing," see No. 766.

Hour for slaves to be home, see No. 766.

FACTORIES, TANNERIES, SLAUGHTER HOUSES, ETC.

No. 252. (1.) From and after the passage of this ordinance, it shall not be lawful for any person or persons to establish either a soap factory, tannery, bone black factory, camphene factory or slaughter house, within the limits of this corporation or to continue any that may now be established, without first having obtained permission of the common council, under a penalty of one hundred dollars for each and every offense, recoverable before any court of competent jurisdiction for the benefit of the city.

Permission of council to be obtained.

No. 253. (2.) That all ordinances or parts of ordinances contrary to the provisions of this be, and the same are hereby repealed.

Repealing clause.

City Ordinance, No. 2084.

No. 254. (1.) That it shall be the duty of every butcher, or other person who slaughters, or causes to be slaughtered, any animals within the limits of this city, to do the same in a slaughter house, and not in the open air; said slaughter house, and the

Animals, how slaughtered.

lot on which it is situated, shall be kept clean; all blood and filth from each house and lot shall be removed immediately, and thrown into the current of the river.

Penalty for leaving blood, etc., in streets, etc.

No. 255. (2.) That no blood, beeves' feet, heads, or any other matter which may exhale a disagreeable odor, shall be deposited or left in any street, or on any lot or square of ground within said limits, under a penalty of from ten to fifty dollars for each offense; to be recovered for the use of the city.

Offensive odors.

No. 256. (3.) That if any slaughter house, or lot upon which it is situated, emits or exhales any offensive odor, the occupant or owner thereof, shall be fined from five to twenty-five dollars; to be recovered for the use of the city.

Owner of house, etc., responsible.

No. 257. (4.) That if any blood, feet, heads, or other parts of slaughtered animals are found in any slaughter house, or upon any lot in this city, which emits or exhales a bad odor, the owner or occupant of said slaughter house or lot shall be liable to a fine of ten dollars; recoverable for the use of the city.

Duty of police officers.

No. 258. (5.) That the police officers shall visit, at least once in every week, each and every slaughter house, or place in which animals are killed, and see that the provisions of this ordinance are observed.

Lafayette Ordinance, approved May 22, 1833.

FENCES, WALLS AND DITCHES.

Fences to be made.

No. 259. In all cases where banquettes or sidewalks are made in front of or bordering any lot or lots of ground within this city, it shall be the duty of the owner or owners of such lots to cause the same to be fenced with good substantial picket or board fences, so as to protect said sidewalks.

Penalty for neglect, etc.

No. 260. It shall be the duty of the street commissioner and his deputies to notify the owners or the agents, where the same can be known, in writing, to comply with the preceding resolution, within thirty days after service of said notice, and in case said owners or their agents shall not comply with said notice, then said owners or their agents shall be liable to a fine or penalty of ten dollars for every ten days in contravention, recoverable before any court of competent jurisdiction.

Disposition of fines.

No. 261. In case any fines shall be recovered as aforesaid, the street commissioner shall apply so much thereof as may be

necessary to cause the work to be done, and pay the balance, if any, into the city treasury.

City Ordinance, No. 1851.

See Civil Code, Art. 671, *et seq.*

FERRIES.*

No. 262. *Whereas*, complaints are frequently made that the different ferries between the city of New Orleans and the right bank are not properly administered, and that the lessees thereof have not and do not comply with the terms and conditions of their contracts—

Be it therefore resolved, That it is hereby made the duty of the street commissioner to examine into the manner in which the said ferries have been and are conducted, and in case he shall ascertain that there is any reasonable ground of complaint, or that the lessees do not strictly comply with the terms of their contracts, that he report them to the city attorney, or assistant city attorney, as the case may be, for such proceedings as the circumstances or laws may warrant.

Duty of street commissioner.

City Ordinance, No. 1937.

ACTS OF THE LEGISLATURE.

Sec. 5. That the common council of the city of New Orleans, with the police jury of that part of the parish of Orleans, on the right bank of the Mississippi river, shall have power to establish ferries across said river, in the parish of Orleans, and to regulate the same.—Acts of 1855, page 368.

Ferries, how established in the parish of Orleans.

DECISIONS OF SUPREME COURT.

The police jury of the parish of Orleans have a concurrent right with the city council to establish ferries opposite the city.—3 M. R. 711.

It is no violation of an exclusive right to carry persons across the river without demanding payment.—4 N. S. 426.

Police juries are authorized to establish ferries and to annex penalties to violations of the exclusive privileges they may grant to the lessees, and they possess the power to sell such ferry privileges at auction. But statutes granting such powers must be strictly construed, and the exercise of the powers conferred limited to the precise terms of the grant.—3 Ann. Rep. 365; 3 La. Rep. 95.

* The rules and regulations governing ferries are contained in the respective contracts made by the city with the lessees. See Ordinances, Nos. 1698, 1804, 2116, 2183, 2290, 2602, 2674, 2727, 2798; 2733, 2804, at city hall.

FIRE.

An Ordinance relative to Preventing and Extinguishing Fires.

Chimneys,
stoves, construc-
tion of buildings,
etc.

No. 263 (1.) No chimney shall be built against a wooden partition, beam, joist, or other piece of timber; no beam, joist, or other piece of timber shall be placed in the mantel-piece, or the flue of any chimney; no hearth shall be laid on the joist of the floor; no plank or other combustible material shall be laid on the chimney top, and the flues of all chimneys shall be raised at least two feet above the peak of the roof of the house; no oven, furnace, or forge shall be constructed against a partition wall, unless a counter-wall be made in masonwork, or unless there be left a space, of, at least, one foot, if the partition wall be of brick or stone, and four feet if the partition enclosure be of pales and plank, and if the street commissioner or chief of the fire department shall find any chimney, oven, furnace, forge, or apparatus so defective as to be dangerous, he shall make a report to the mayor, who shall, in writing direct the owner or his agent to repair or remove the same, within such time as he shall deem reasonable. In case of neglect or refusal, the party offending shall be fined not less than twenty-five dollars, and five dollars for every day he shall continue to violate the provisions of this ordinance; and if the danger be considered imminent, the mayor shall cause to be made such repairs and changes as may be necessary at the expense of the person offending; providing that nothing herein contained shall be considered as relating to forges, foundries, and steam engines, or affecting the ordinances relative to the same.

See No. 292.

Shavings, bon-
fires, etc.

No. 264. (2.) It shall not be lawful to burn any shavings or other combustible matter, in any street, square, or public place, or openly in any yard or lot near any inhabited place; and it shall be the duty of all persons engaged in any trade by which shavings are made, at the close of each day, on leaving off work, to cause the place to be swept, and the shavings to be carefully removed to some safe position. All persons violating the provisions of this section, shall be fined not less than five, nor more than twenty-five dollars.

Combustible
matter, lights,
etc.

No. 265. (3.) No owner or occupant of any stable or dairy, or other person shall use, in any stable or place containing hay, straw, or combustible matter, any lighted candle

or other light, unless the same be securely kept in a lantern, nor shall any person keep any cotton, hay, straw, hemp, pitch, tar, rosin, or turpentine in any warehouse, stable, or other building not built of stone or brick, and covered with slate or tile, or other incombustible materials, nor shall any person keep any cotton, hay or straw uncovered in stack or pile—provided, any person may keep for domestic use hay and straw in wooden buildings. All persons violating the provisions of this section, shall be fined not less than ten dollars, nor more than fifty dollars, and not less than five dollars for every day the violation shall continue after notice from the mayor or street commissioner.

No. 266. (4.) It shall not be lawful for any person to boil any pitch, tar, rosin, or turpentine, unless in an open space, at least thirty feet distant from any building, vessel, or other property that might be injured thereby, or in a fire proof building, under penalty of not less than five, nor more than twenty-five dollars. Pitch, tar, turpentine, etc.

No. 267. (5.) No person shall fire or discharge any gun, pistol, fowling-piece, or fire arms within the limits of the city, or set fire to or discharge any rocket, cracker, squib, or serpent within the limits of the city, without the license of the common council—provided, that nothing herein contained shall apply to military reviews. All persons violating the provisions of this section, shall be fined not less than five nor more than twenty-five dollars. Firing pistols, crackers, etc.

No. 268. (6.) The owner of every house covered with wood, shall provide it with a good ladder, of the height of the house, to be used in case of fire; and, moreover, he shall provide a ladder fixed permanently on the roof timber, under penalty of five dollars for every month the owner shall neglect to comply with the requirements of the section, after notice from the mayor or street commissioner. Houses to have ladders.

No. 269. (7.) If any person, without reasonable cause, shall make a false alarm of fire by outcry, the ringing of bells, or otherwise, he shall be fined not less than ten nor more than fifty dollars. False alarm of fire.

No. 270. (8.) When in order to stay the progress of a fire, it shall be deemed proper to demolish one or more houses or buildings, the mayor, or, in his absence, the chief or acting chief of the fire department, shall take the advice of three proprietors of houses, and if he and they be unanimously of Demolition of buildings to stay fire, etc.

opinion that the house or houses should be demolished, then the said mayor, or chief, or acting chief, as aforesaid, shall be authorized to give orders for the destruction of said house or buildings, and the opinion of said officers and advisers shall be reduced to writing and signed by them, and shall be recorded in the mayor's office. In case the pulling down and demolition of any house or building by the direction of the mayor, or other officer aforesaid, shall be the means of stopping the said fire, or if the fire shall stop before it comes to the house demolished, then the owner of such house or building shall be entitled to recover a reasonable compensation therefore from the city; but when the building so pulled down or demolished shall be that in which the fire originated, then the owner shall be entitled to no compensation therefor.

See No. 281.

Repealing clause.

No. 271. (9.) All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

City Ordinance, No. 3172. Approved December 23, 1856.

For Fire Limits, etc., see "Buildings," p. 30.

For Fire on Vessels. see No. 111.

For Fire in Markets, see No. 448

ACTS OF THE LEGISLATURE.

ART. 688. He who wishes to dig a well or a necessary, to build a chimney, or hearth, a forge, an oven, a furnace or stable, to put up shelves or to store salt or other corrosive substances near a wall, whether held in common or not, is bound to leave the distance, and to cause to be made the works prescribed by the regulations of the police, in order that his neighbor be not injured thereby.

And if there be no regulations of police upon all or any of these subjects, he shall conform to the following rules, in cases which have not been foreseen.—Civil Code.

FIRE DEPARTMENT.

An Ordinance concerning the Fire Department.

Of what it shall
consist.

No. 272. (1.) Be it ordained by the common council of the city of New Orleans, That the fire department shall consist of one chief engineer, two assistant engineers and one captain, and one lieutenant for each organized company; thirteen engine

companies, of twenty men each ; four hook and ladder companies, of fifteen men each ; one steam fire engine company, to be composed of one engineer, two drivers, one fireman, and eight hose pipe men—one hose company for fire engine “Young America” of ten men, and of two bell-ringers.

No. 273. (2.) That each engine company shall be provided with one engine, one hose carriage, five hundred feet of hose of the first quality, and two horses, with the requisite harness complete ; the same to be kept at all times in good order, and ready for service. What every company to be provided with.

No. 274. (3.) That each hook and ladder company shall be provided with one hook and ladder carriage, a full set of hooks and ladders, and one horse, with the requisite harness complete ; the same to be kept at all times in good order and ready for service. Hook and ladder companies.

No. 275. (4.) That the steam fire engine company shall be provided with one steam fire engine, one hose carriage and fuel wagon, three hundred feet of two inch hose of the first quality, and five horses, with the requisite harness complete ; the same to be kept at all times in good order and ready for service. Steam engine.

No. 276. (5.) That the hose company for the steam fire engine shall be provided with two hose carriages, six hundred feet of good first quality India rubber three inch hose and eight hundred feet of first quality two inch hose, and two horses, with the requisite harness complete ; the same to be kept at all times in good order and ready for service. Hose company of steam engine.

No. 277. (6.) That said chief engineer, assistant engineers, captains and lieutenants of companies, shall have police powers at all fires. Police powers of officers.

No. 278. (7.) That each engineer, captain and lieutenant shall, upon his appointment, receive a warrant or certificate, in the following words, viz : This certifies that——— is appointed chief engineer, assistant engineer, captain or lieutenant of the fire department of the city of New Orleans, and is entitled to all the powers and immunities belonging to said office, to be signed by the mayor of the city of New Orleans. Officers' certificate.

No. 279. (8.) That the captains shall have the command of the men and apparatus belonging to their several companies ; and shall take charge of the apparatus at fires ; and shall cause to be executed all orders of the chief or assistant engineers ; and in the absence of those officers, shall take command at all fires, according to seniority of appointment. Duty of captains.

Duty of lieutenants.

No. 280. (9.) That the lieutenant shall be second in command to the captains, and, in the absence of the captains, shall take their place.

Duty of chief and assistants.

No. 281. (10.) That it shall be the duty of the chief and assistant engineers, whenever a fire shall break out in the city, immediately to repair to the place of such fire, and to carry with them a suitable staff, or badge of office, and to take proper measures that the several engines and other apparatus be arranged in the most advantageous situations, and only worked for the effectual extinguishment of fires; to call for aid, if need be, from all persons present at fires, to assist in extinguishing the same, to assist in removing furniture, goods or merchandise, from any building on fire or in danger thereof, to act as guards to secure the same, and also to assist in pulling down or demolishing any house or building, if necessity require; and further, it shall be their duty to suppress all tumults or disorder. It shall also be their duty to cause order to be preserved in going to, working at, or returning from fires, and at all other times when companies attached to the department are on duty.

See No. 270.

Duty of chief engineer.

No. 282. (11.) That the chief engineer shall have the sole command at fires over all members of the fire department, and all other persons who may be present at fires; and shall take all proper measures for the extinguishment of fires, protection of property, preservation of order, and observance of the laws, ordinances and regulations respecting fires; and it shall be the duty of said chief engineer to examine into the condition of the engines, and of all other fire apparatus, and of the engine and other houses belonging to the city and used for the purposes of the fire department, as often as circumstances may render it expedient, or whenever directed so to do by the committees on fire of the common council, and semi-annually to report the same to said committees; also to cause a full description of the same, together with the names of the officers and members of the fire department, to be published annually, in such manner as the said committees shall direct; and it shall be, moreover, the duty of the chief engineer to receive and transmit to said committees all returns made of officers, members and fire apparatus, belonging to the respective companies, as hereafter prescribed, and all other communications relating to the affairs of the fire department, and to keep fair and exact rolls of the respective companies, specifying the time of admission and discharge, and the age of each

member, which he shall report to said committees ; and he shall also report to said committees all accidents by fire which may happen within the city, with the causes thereof, and the number and description of the buildings destroyed, together with the names of the owners and occupants, and an estimate of losses by the same.

No. 283. (12.) No person under eighteen years of age shall be employed as a member of the fire department of the city of New Orleans. Members of companies.

No. 284. (13.) That the captain and lieutenant of each engine company shall be selected and appointed from among the twenty men composing said company, and shall be stationed at the engine house of said company, and shall be constantly on duty. At an alarm of fire, said captain and lieutenant shall attach the horses to start the engine and hose carriage belonging to the same, for the scene of the fire ; they shall also keep the engine, hose, etc., in good working order, the house in a cleanly condition, and take full and proper care of the horses attached to the same. Duty of officers of companies.

No. 285. (14.) That it shall be the duty of the captains to see that the several engines and apparatus committed to their care, and the several buildings in which the same are deposited, and all things in and belonging to the same, are kept neat and clean, and in order for immediate use. It shall also be their duty to preserve order and discipline at all times in their respective companies, and require and enforce a strict compliance with the city ordinances, the rules and regulations of the department, and the orders of their superiors. They shall also keep fair and exact rolls, specifying the time of admission, discharge and age of each member of their respective companies, and accounts of all property belonging to the department and entrusted to the care of the several members of their respective companies, and of all absences and tardiness among the same, in a book provided for that purpose ; which rolls or record books are always to be subject to the order of the fire committees of the common council. They shall also make to the chief engineer true returns of all the members of the several companies, with their ages and the apparatus entrusted to their care, when called upon by said engineer so to do. Duty of captains of engine companies.

No. 286. (15.) That the captain and lieutenant of each hook and ladder company shall be selected and appointed from among the fifteen men composing said company, and shall be stationed Duty of officers of hook and ladder companies.

at the house of said company, and shall be constantly on duty. At an alarm of fire, said captain and lieutenant shall attach the horse to and start the hook and ladder carriage for the scene of the fire; they shall also keep the hook and ladder apparatus and carriage in good order, the house in a cleanly condition, and take full and proper care of the horses attached to the same.

Duty of officers
of steam engine
hose company.

No. 287. (16.) That the captain and lieutenant of the hose company for the steam fire engine shall be selected and appointed from among the ten men composing said company, and shall be stationed at the house of said company, and shall be constantly on duty. At an alarm of fire, said captain and lieutenant shall attach the horses to and start the hose carriages for the scene of the fire. They shall also keep the hose carriages and hose in good order, the house in cleanly condition, and take full and proper care of the horses attached to the same.

Duty of officers
of steam engine
company.

No. 288. (17.) That the captain and lieutenant of the steam fire engine company shall be selected and appointed from among the eight hose pipe men of said company. That the two drivers of said company shall be stationed at the house of said company, and shall be constantly on duty. At an alarm of fire said drivers shall attach the horses to and start the steam fire engine and hose carriage and fuel wagon for the scene of the fire; they shall also keep the hose carriage, fuel wagon and hose in good order, the house in a cleanly condition, and take full and proper care of the horses attached to the same.

Engineer of
steam engine
company.

No. 289. (18.) That the engineer of the steam fire engine, shall be stationed at the house of said engine; shall be always on duty, and shall keep said engine in good order and ready for service.

Members of fire
companies.

No. 290. (19.) The engineers and members of the several companies connected with the fire department shall wear such caps, badges, or insignia as the chief engineer shall direct, and no other person shall be permitted to wear the same.

Powers of com-
panies.

No. 291. (20.) That no company shall have power to appoint or discharge any officer or member thereof, or shall leave the city on an excursion, or appear in the streets as firemen, except in cases of alarms or fire, unless by express permission of the chief engineer.

Power of officers
as to buildings.

No. 292. (21.) That the chief and assistant engineers shall have the right to examine personally, all houses erected, or at any time being erected, in which fire is used, or intended to be used; with full power to cause such alterations and

improvements in flues, stove-pipes, etc., in the same, and such alteration in the location of fires in carpenter shops, and other equally hazardous occupations, as may be necessary for the public safety.

See No. 263.

No. 293. (22.) That four engine companies and one hook and ladder company shall be located in the first district; four engine companies and one hook and ladder company shall be located in the second district; three engine companies and one hook and ladder company shall be located in the third district; and two engine companies and one hook and ladder company shall be located in the fourth district, and that the same shall be stationed at such places and occupy such houses in said districts, respectively, as the fire committees of the common council shall determine.

Location of companies.

No. 294. (23.) That the steam fire engine company, the hose company for the steam fire engine, and the bell-ringers, shall be stationed at such places, and occupy such houses in the city of New Orleans as the fire committees of the common council shall determine, and that said bell-ringers shall be always on duty day and night.

Location of steam engine, bell ringers, etc.

No. 295. (24.) That the chief engineer, assistant engineers, captains, lieutenants, and members of the several engine, hook and ladder and hose companies, shall be appointed as hereinafter provided.

Officers.

No. 296. (25.) That the chief engineer, assistant engineers, captains, lieutenants, and members of the several engine hook and ladder and hose companies, shall be subject to removal from office, or membership, as hereinafter provided.

Removal from office.

No. 297. (26.) That it shall be the duty of the chief engineer and assistant engineers, captains and lieutenants, before entering upon the duties of their several offices, to be qualified by the mayor, either by oath or affirmation, that they will faithfully perform, to the best of their abilities, all the duties appertaining to the same.

Oath of officers.

No. 298. (27.) That the chief engineer, before entering upon the duties of his office, shall give bond in the sum of twenty-five hundred dollars, made payable to the mayor of New Orleans and his successors in office, conditioned for the faithful performance of the duties thereof.

Bond of chief engineer.

No. 299. (28.) That each assistant engineer, before entering upon the duties of his office, shall give bond in the

Bond of assistant engineers.

sum of twenty-five hundred dollars, made payable to the mayor of New Orleans and his successors in office, conditioned for the faithful performance of the duties thereof.

What companies are authorized. No. 300. (29.) That no association, or organized society or club of firemen shall be allowed, except as authorized by this ordinance.

Department supported by contract. No. 301. (30.) That the support of the fire department as herein constituted, and the active working of the same, shall be done by contract, for the term of five years from the day of the date of the adjudication of the same.

Sale of contract. No. 302. (31.) That the comptroller of the city of New Orleans shall after five days' publication thereof in the official journal, sell at auction, to the lowest bidder, the contract for the support of the fire department, as constituted by this ordinance, and the active working of the same year by year for the term of five years from the day of the date of the adjudication of the same.

Appointments and removals of officers, etc. No. 303. (32.) That the purchaser of the contract for the support of the fire department, and the active working thereof, at the sale made in accordance with sections thirty and thirty-one of this ordinance, shall have power to appoint and shall appoint the chief and assistant engineers, the captains and lieutenants, and the members of the several companies connected with the fire department, and required to be organized by this ordinance; and further he shall have power to dismiss the same, or any one of the same, from office or employment, at such time or times as he shall see fit.

Obligations of purchaser of contract. No. 304. (33.) That the purchaser of the contract for the support of the fire department, and the active working thereof, at the sale made in accordance with sections thirty and thirty-one of this ordinance, shall, within one day after the day of the date of adjudication of said purchase, give bond, made payable to the mayor of the city of New Orleans and his successors in office, with security, to be approved of by the chairmen of the finance committees of the common council in the amount of forty thousand dollars; conditioned that said purchaser will fulfill and perform at his own charge and cost, during the term of his contract, all that is required to be done and performed by sections one, two, three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-four, thirty-

five, thirty-six, thirty-nine and forty of this ordinance; that he will make the appointments and invest said appointments with the authority and duties required by sections one, eight, nine, ten, eleven, thirteen, fourteen, fifteen, seventeen, eighteen, twenty, twenty-one, twenty-four, twenty-five and thirty-two of this ordinance; and that he will cause to be done by the several engineers, captains and lieutenants of companies, and members of companies, appointed and employed by him under and by virtue of this ordinance, all the duties, services and labor required to be done by said engineers, captains and lieutenants of companies, and members of companies by this ordinance, and generally that said purchaser will do and perform at his own charge and cost, during the term of his contract, all that is required to be done and performed by him under and by virtue of this ordinance.

No. 305. (34.) That said purchaser of said contract, at the sale made in accordance with sections thirty and thirty-one of this ordinance, shall, at all times, during the continuance of said contract, have in his employ and ready for service the number of companies and the number of competent men and officers attached to said companies, required by section one of this ordinance; and said men and officers shall, whenever an alarm of fire is given, proceed at once with the engines and other apparatus for the extinguishment of fires entrusted to them, to the place of the fire, and there render full and efficient service. And said men and officers, with the engines and other apparatus for the extinguishment of fires entrusted to them, shall remain at the place of the fire, and in active service, until said fire is extinguished.

Obligations of
contractor.

No. 306. (35.) That the purchaser of said contract, at the sale made in accordance with sections thirty and thirty-one of this ordinance, shall, during the continuance of said contract, and in addition to said requirements of article two of this ordinance, keep constantly on hand four extra fire engines and four extra hose carriages; the same to be always in good order and ready for service.

Obligations of
contractor.

No. 307. (36.) That the purchaser of the contract for the support of the fire department, and the active working thereof, at the sale made in accordance with sections thirty and thirty-one of this ordinance, shall not transfer, assign over, or underlet the same to any person or persons, whatsoever, for the term or any portion of the term of said contract; and that said purchaser

Duty of con-
tractor.

shall, immediately after giving the bond required by section thirty-three of this ordinance, enter upon and continue to perform the duties and requirements of said contract.

Duty of contractor.

No. 308. (37.) That said purchaser of said contract at the sale made in accordance with sections thirty and thirty-one of this ordinance, shall deposit, at the time of the adjudication of said sale, the sum of twenty-five hundred dollars in the hands of the comptroller of New Orleans; said deposit to be returned to said purchaser on his giving bond as required by section thirty-three of this ordinance; otherwise, and on said purchaser failing to give said bond, said deposit to be forfeited to the use and benefit of the treasury of New Orleans.

Police powers of contractor.

No. 309. (38.) That the purchaser of said contract at the sale made in accordance with sections thirty and thirty-one of this ordinance, shall have police powers at all fires.

Inventory of engines, etc., belonging to the city.

No. 310. (39.) That the purchaser of said contract for the support of the fire department and the active working thereof, shall be furnished with an inventory of all fire engines, hook and ladder carriages and apparatus, hose carriages, hose and other apparatus for the extinguishment of fires, belonging to the city of New Orleans, and shall be put in possession of the same; and that the same, or a like number and quantity, and of equal value, of fire engines, hook and ladder carriages and apparatus, hose and other apparatus for the extinguishment of fires, shall be returned to said city by said purchaser or his securities at the expiration of said contract, or its determination by death or otherwise; and that said inventory shall be made by the city surveyor and the chairmen of the committees on fire of the common council, and a duplicate thereof shall be deposited with the treasurer of the city.

Contractor to keep engines, etc., in good order.

No. 311. (40.) That the city of New Orleans shall, as soon as practicable, put in thorough repair the various engines houses, and hook and ladder houses, which shall be appropriated to the use of the purchaser of said contract for the support of the fire department and the active working thereof, in accordance with this ordinance; and said purchaser shall, thereafter and during the continuance of said contract, maintain the same in like good order and condition.

In case of death of contractor.

No. 312. (41.) That in case of the death of the purchaser of said contract for the support of the fire department and the active working thereof, at any time during the continuance of said contract, said contract shall be determined and wholly ended

by said death; and all interest in the same shall revert to the city of New Orleans to be resold, or otherwise disposed of according to the will and action of the common council of the same; and that during such interval as may occur between said death of said purchaser as aforesaid and action taken thereupon by said common council, the chief engineer appointed under and by virtue of this ordinance shall carry forward the fire department and the active working thereof in the manner prescribed by this ordinance, and at the expense of the city of New Orleans.

No. 313. (42.) That the chairmen of the fire committees of the common council shall have general supervision over the fire department created by this ordinance, and over the buildings and property of the city entrusted to the purchaser of the contract for the support and active working of said department, and shall, from time to time, report to said council upon the efficiency or inefficiency of said department, and upon the efficiency or inefficiency of said purchaser, and of the officers and men connected with the same.

Power and duty of fire committees of common council.

No. 314. (43.) That the chairmen of the finance, fire and judiciary committees of the common council, together with a committee of six persons to be elected by the presidents and agents of the insurance companies domiciled in New Orleans, shall constitute a board of commissioners, with full power to hear and determine all complaints made by a citizen or citizens of New Orleans touching the fire department created by this ordinance, and the working of the same; and if at any time three-fourths in number of the members of said board of commissioners shall by vote declare the purchaser of the contract for the support of the fire department and active working thereof, guilty of gross neglect, or to be inefficient in any matters touching the same, said contract shall be thereby dissolved as in case of the death of said purchaser.

Board of commissioners.

No. 315. (44.) That the amount which shall be payable by the city of New Orleans to the purchaser of the contract for the support of the fire department and the active working thereof, under and by virtue of this ordinance, shall be paid in equal monthly instalments, upon the last day of each and every month.

Contractor to be paid monthly.

No. 316. (45.) That the sale of the contract for the support of the fire department and the active working thereof, made in accordance with sections thirty and thirty-one of this ordinance, shall be subject to the approval of the common council; and in case said sale shall not be approved of by said common council,

Sale of contract to be approved by council.

the money deposited by the purchaser at said sale in the hands of the comptroller, in accordance with section thirty-seven of this ordinance, shall be returned to said purchaser.

Repealing clause. No. 317. (46.) That all ordinances, and parts of ordinances, contrary to the provisions of this ordinance, be and the same are hereby repealed.

City Ordinance, No. 2492. Approved Dec. 8, 1855.

Delivery of engines, etc.

No. 318. That the mayor of the city of New Orleans be, and he is hereby requested to tender and deliver to the firemen's charitable association, the engine houses, hook and ladder houses, fire engines, hooks and ladders, hose carriages, and such fire apparatus as are now in possession of the contractors for the extinguishment of fires in the city of New Orleans, agreeably to section forty, of the ordinance leasing the said contract.

City Ordinance, No. 3228. Approved January 7, 1857.

Duty of police during fires.

No. 319. Whenever a fire occurs in any part of the city, it shall be the duty of the respective captains of police, or the officers on duty at the time, to cause all the fire alarm bells under their control to be loudly rung, designating by taps of said bell the district in which the fire may be.

The first district shall be indicated by one tap.

The second district shall be indicated by two taps.

The third district shall be indicated by three taps.

The fourth district shall be indicated by four taps.

And whenever a fire occurs during the night, it shall be the duty of all watchmen to cry "fire! fire! fire!" to spring their rattles, cry the district in which the fire may be, and, as near as practicable, the name of the street.

City Ordinance, No. 646. Article 2.

Duty of police during fires.

No. 320. At all fires it shall be the duty of the police to keep the space immediately in front of the same, free from intrusion by persons not rendering aid at the fire, that the firemen may be enabled the better to discharge their duty, and, in case of danger, effect their escape.

Engines, etc, not to be run on sidewalks, etc.

No. 321. No fire engine, hose or hook and ladder company, or any tender attached thereto, shall be permitted to run on the sidewalks of this city, or through any of the markets, or public squares under a penalty of not less than twenty-five dollars for each offense; and it is hereby made the duty of every police

officer to report any infraction of this article to the comptroller.

The remainder of this Ordinance, repealed by Ordinance 2492.

City Ordinance, No. 646.

No. 322. It shall be the duty of the commissaries of the Fire plugs. several markets as soon as the market shall have been washed, to have the fire plugs closed and kept closed until wanted the next day, for the same purpose, except in case of fires; and for any violation of this ordinance the commissary shall be dismissed from his office.

City Ordinance, No. 2144.

No. 323. It shall be the duty of the night watch to arrest Fire Plugs. any and all persons except the officers of the company, found opening the fire plugs at night, except in case of fire.

City Ordinance, No. 2145.

No. 324. That the following gentlemen, viz: Messrs. C. Board of commis-
Briggs, A. Brother, J. Tuyes, Henry V. Ogden, Thos. Sloo sioners.
and W. Rayne, chosen at a meeting of the presidents and agents of the insurance companies domiciled in the city of New Orleans, in pursuance of section forty-three of ordinance No. 2491, approved December 8, 1855, entitled, "An ordinance concerning the fire department," and which, together with the chairmen of the finance, fire and judiciary committees of the common council, shall constitute a board of commissioners for such purposes as are set forth in said section No. 43 of ordinance No. 2491, be and the same are hereby approved.

See No. 314 of this book.

City Ordinance, No. 2560.

No. 325. That the board of commissioners of the fire depart- Board to appoint
ment of the city be and they are hereby authorized to appoint a clerk.
suitable person who shall act as secretary of said board of commissioners, at a salary of three hundred dollars per annum, and that the comptroller be and he is hereby authorized to place the name of the person so appointed on the city pay-roll of officers.

City Ordinance, No. 2744.

No. 326. That the city comptroller be and he is hereby Depot for fire
requested to remove all the old engines and fire apparatus belong- apparatus.
ing to the city, to the house of Protection Fire Company No. 19, and that said engine house be and it is hereby constituted a depot for the fire apparatus of the city until further action of this council.

City Ordinance, No. 2913.

Fire bells.

No. 327. (The following ordinances, enacted in relation to fire alarm bells, are not deemed of sufficient importance to insert in this work—ordinance, Nos. 188, 511, 618, 1033, 1039, 1802, 1803, 1815, 1898, 1950, 2040 and 3042.)

See "Chimneys," etc. No. 147.

ACTS OF THE LEGISLATURE.

An Act to incorporate Fire Companies in the city of New Orleans, and for other purposes.

Fire companies incorporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the several fire companies now organized and in active operation, or that may hereafter (by and with the consent of the mayor and council of the municipality of New Orleans in which said companies may be located) be organized and put in active operation, shall, on compliance with the terms and conditions of this act, be deemed, and are hereby declared and constituted bodies corporate and politic under such names as they may assume, and under such names they and their successors shall severally have succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts of justice whatsoever; and also that they and their successors, by the aforesaid names, shall severally in law be capable of purchasing, holding and conveying any estate, real or personal, for the use of their respective corporations.—Acts of 1842, p. 412.

Powers.

An Act supplementary to an Act entitled "an Act relative to Jurors," approved 14th March, 1855.

Certain persons exempt from serving on juries and doing militia duty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That each of those persons who are now exempt, and who now or hereafter may be enrolled active members in any one or more of the present or future fire companies within the parish of Orleans, attached to, connected with, and co-operating with the Firemen's Charitable Association, and who may serve as firemen for a period of six years, after the age of eighteen years, and who while thus serving, are also members of the Firemen's Charitable Association, shall, during the period of such service and thereafter, be exempt from any jury or militia duty within the State of Louisiana, except in cases of invasion or insurrection: provided, that in every case in which any person may claim the privileges granted by this act, he shall exhibit to the president and secretary of the Firemen's Charitable Association, a certificate or certificates of time of service and honorable discharge, signed by the commanding officer and secretary of the incorporated fire company or companies in which he has been enrolled; and if the said president and secretary shall find, that he has served singly or collectively as an active member in one or more of said fire companies, and been a member of the Firemen's Charitable Association during the term of six years, it shall be their duty to furnish each of such persons

with a certificate in duplicate accordingly, to serve as proof of the facts therein stated, and receive from each of such persons a contribution of five dollars for the benefit of said Firemen's Charitable Association, one of which certificates shall be filed in the archives of the sheriff of the parish of Orleans.—Acts of 1856, p. 108.

For charter of Firemen's Charitable Association, see Act of March 19, 1855, and Act of March 21, 1850.

FIRE LIMITS.—See "BUILDINGS," p. 27.

FISCAL AGENCY.

An Ordinance creating a Fiscal Agency for the payment of Bonds of the city of New Orleans, and the interest thereon, in conformity with an act of the Legislature of the State of Louisiana, approved March 14, 1855.

No. 328. (1.) Be it ordained by the common council of the city of New Orleans, That the common council shall elect, by joint ballot, in May, 1855, one of the banks of the city of New Orleans as fiscal agent of said city for the purposes hereinafter expressed, viz :

Common council
to elect agent.

No 329. To receive from the city treasurer, daily on deposit, all moneys collected by said treasurer, on account of the consolidated loan tax, taxes for the payment of interest on bonds issued to railroad companies, and dividends received from railroad companies in which the city is a stockholder, and to keep separate accounts of the same, each under its proper head.

Obligation of
agent.

No. 330. To pay, when due, without expense to the city, all interest coupons on the bonds of the consolidated debt of the city of New Orleans, and all interest coupons on bonds issued to railroad companies, or any other interest coupons, if such there be, which the city of New Orleans is bound by law to pay, whether the same be payable in this city or elsewhere. Said fiscal agent shall also pay, when in possession of city funds, any bonds purchased before maturity by resolution of the common council, under existing laws, provided every bond so purchased shall have endorsed thereon, by the comptroller of the city, the amount to be paid for the same, and the date of the resolution of the common council authorizing the purchase. In the event of interest coupons falling due previously to the collection and deposit of the taxes imposed for the payment of

To pay interest
coupons, etc.

said coupons, it shall be, nevertheless, obligatory on the fiscal agency hereby created to pay said coupons on presentation, and any amount thus advanced shall be reimbursed to said agency out of the first taxes collected.

To report monthly.

No. 331. To report monthly, under their proper heads, as before provided, to the common council, the amount deposited by the city treasurer during the month ending at the date of the report, the amount of interest coupons and bonds paid, with a description of the same, and the balance of cash remaining on hand. Said report shall be spread upon the minutes and published in the official journal of the common council as part of their proceedings.

To deliver to the comptroller of the city, on demand, any bonds or interest coupons which may have been paid under the provisions of this ordinance: provided, said bonds or interest coupons shall be canceled by the fiscal agent before their surrender, in the presence of the comptroller, who shall receipt for the same.

Duty of treasurer.

No. 332. (2.) That it shall be the duty of the city treasurer to deposit daily, in the bank chosen by the common council as the fiscal agent of the city, all moneys received by him on account of the consolidated loan tax, taxes for the payment of interest on bonds issued to railroad companies, and dividends received from railroad companies, in which the city is a stockholder. He shall also deposit in the same bank, as soon as said fiscal agent shall have been appointed, all moneys which he may have collected from sources herein enumerated, before the appointment of said fiscal agent; and the sums thus deposited by him shall be entered in separate bank books, each designating the special fund for which such deposit is made; and he shall state said collections and deposits in his daily reports to the comptroller and in his weekly reports to the common council.

Duty of comptroller.

No. 333. (3.) That it shall be the duty of the comptroller of the city, immediately after the appointment of the fiscal agent, to furnish to said agent, samples of all the interest coupons to be paid by said agent under the provisions of this ordinance, and such a description of each coupon, its number, letter, amount, time to run, when due and where payable, as will be sufficient to identify the same. He shall also furnish such samples and descriptions as said agency may require for the use of its agents in places out of New Orleans.

No. 334. (4.) That the fiscal agent shall not be elected annually, but shall act as such during the pleasure of the common council, or until said agent resign. Term of office.

No. 335. (5.) That a written contract shall be made between the city and the fiscal agent in conformity with this ordinance. Contract to be in writing.

No. 336. (6.) That the bank elected as the fiscal agent of the city, under this ordinance, shall notify the mayor of the city of its acceptance of said agency in accordance with said ordinance, within five days from and after said election; otherwise said election to be null and void. To notify mayor.

No. 337. (7.) That the chairmen of the finance committees be, and are hereby empowered to make, on the part of the city of New Orleans, the contract, contemplated by the fifth article of this ordinance. Who to make contract.

City Ordinance, No. 2141. Approved May 5, 1855.

ACTS OF THE LEGISLATURE.

SEC. 118. That the common council shall elect, in joint session, *viva voce*, one of the banks of the city of New Orleans as fiscal agent, to act as such during the pleasure of the common council, or until said agent resigns, for the following purposes, viz: Bank to be elected fiscal agent.

To receive from the city treasurer daily, on deposit, all moneys collected by said treasurer, on account of the consolidated loan tax, and taxes for the payment of interest on bonds issued by railroad companies in which the city is a stockholder, and to keep separate accounts of the same, each under its proper head. Duties of said fiscal agent.

To pay, when due, without expense to the city, all interest coupons on bonds of the consolidated debt of the city of New Orleans, and all interest coupons on bonds issued to railroad companies, or any other interest coupons, if such there be, which the city of New Orleans is bound by law to pay; whether the same be payable in said city or elsewhere. Said fiscal agent shall also pay, when in possession of city funds, any bonds purchased before maturity by resolution of the common council under existing laws: Fiscal agent in certain cases to pay bonds.

Provided, every bond so purchased shall have endorsed thereon, by the comptroller of the city, the amount to be paid for the same, and the date of the resolution of the common council authorizing the purchase. In the event of interest coupons falling due previously to the collection and deposit of the taxes imposed for the payment of said coupons, it shall be, nevertheless, obligatory on the fiscal agent hereby created to pay said coupons on presentation; and any amount thus advanced, shall be reimbursed to said agent out of the first taxes collected of the taxes imposed for the payment of said coupons. Proviso.

To report monthly, under their proper heads, as above provided, to the common council, the amount deposited by the city treasurer during the month ending at the date of the report, the amount of interest Duties of fiscal agent.

coupons and bonds paid, with a description of the same, and the balance of cash remaining on hand. Said report shall be spread upon the official journal of the common council as a part of their proceedings.

To deliver to the comptroller of the city, on demand, any bonds or interest coupons which may have been paid under the provisions of this act: Provided, said bonds, or interest coupons, shall be canceled by the fiscal agent before their surrender, in the presence of the comptroller, who shall receipt for the same.

No portion of the deposits, made as above provided, shall be withdrawn from said fiscal agent on the check of any person or persons whatever, except under a resolution of the common council to remove said deposits to another bank, elected fiscal agent of the city under the provisions of this act; in which case, a check for the funds to be removed shall be signed by the mayor, comptroller and treasurer, and shall be accompanied by a certified copy of said resolution. The bank elected as the fiscal agent of the city, as above provided, shall notify the mayor of the city of its acceptance of said agency within five days from and after said election; otherwise said election shall be null and void, and the common council shall, at its next meeting thereafter, proceed to a new election of fiscal agent, as provided for by this act.—Acts of 1856, page 163.

See Act of 1855, page 231.

See Act of 1856, page 143, sec. 30, and page 145, sec. 31.

FLATBOATS AND FLATBOAT BASIN.

An Ordinance for the Government of the Produce Flatboat Basin in the First District.

Unlawful to
shell corn, etc.

No. 338. (1.) From and after the passage and approval of this ordinance, it shall not be lawful to shell corn on board of any flatboat or craft, inside of the flatboat basin, nor to throw or cause to be thrown or emptied into the same any decayed fruit or vegetables or any other solid matter whatsoever, under a penalty hereby imposed for each and every such offense, of twenty-five dollars, recoverable before any court of competent jurisdiction.

Retailing mer-
chandise.

No. 339. (2.) It shall not be lawful to remove any goods, wares or merchandise of any kind whatsoever from one flatboat to another or from any store to a flatboat for the purpose of selling or retailing the same therefrom, under a penalty hereby imposed of twenty-five dollars for each and every such offense recoverable as aforesaid.

Discharging
cargo.

No. 340. (3.) Hereafter, eight days (Sundays exclusive) shall be allowed to each flatboat or craft to discharge her cargo if

lying inside of the basin or the entrance thereto, provided no portion of such cargo shall have been discharged at the landing outside, in which case a portion only of said time shall be allowed for the discharging of such cargo, and at the expiration of said eight days, or the proportion of time thereof allowed by the wharfinger on partly discharged boats, any and all boats remaining in said basin, shall be liable, together with their owners, to a fine of five dollars per day—hereby imposed—for each and every day thereafter, recoverable as aforesaid.

No. 341. (4.) No flatboat shall be permitted to remain in the entrance of the basin so as to obstruct the passage in or out of the same, under a penalty of twenty-five dollars for each such offense, and a further penalty of five dollars per day for each and every day that the same shall remain after having been notified by the wharfinger to remove, recoverable as aforesaid.

Location of boats.

No. 342. (5.) It shall be the duty of the wharfinger to attend strictly to the enforcing of this ordinance and the penalties imposed thereby.

Duty of wharfinger.

City Ordinance, No. 2204. Approved June 1, 1855.

For Wharfage dues, see No. 1001.

Dues for "Breaking up," see No. 1011.

Port for "Breaking up," Landings, etc., see Nos. 1015 and 1016.

FLOUR—INSPECTION OF.

ACTS OF THE LEGISLATURE.

An Act relative to the Inspection of Flour in the city of New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the Governor shall nominate, and by and with the advice and consent of the senate, shall appoint five inspectors of flour, for the city of New Orleans.

Inspectors of flour for the city of New Orleans.

SEC. 2. That they shall be entitled to charge five cents on each barrel of flour inspected by them, in full compensation of their services.

Their fees.

SEC. 3. That each barrel of flour shall contain one hundred and ninety-six pounds of flour, English weight, and if intended for the first quality, shall be branded "superfine;" and on each barrel intended for the second quality, shall be branded "fine;" and on each barrel intended for the third quality, shall be branded "middlings;" but where any flour shall be found to correspond with the manufacturer's brand, as superfine or fine, the inspector shall brand "city of New Orleans," which shall entitle it to be sold as bearing the quality thereon described. If the quality of the flour branded by the manufac-

Duties of the inspectors.

turer as superfine, shall appear by inspection to be fine only, or when marked as fine, shall appear to be superfine, such inspector, in addition to the words city of New Orleans, shall add fine or superfine, as the case may be. No inspector shall purchase any flour other than for his private use, under the penalty of four hundred dollars.

Flour how inspected.

SEC. 4. That for the inspection of flour the inspectors shall be provided with an half-inch barrel auger, with which each barrel of flour shall be bored into, so as to satisfy themselves of the quality of the flour; and if any flour shall be found, on examination, to contain a mixture of indian meal, or any other mixture, the person offering the same shall forfeit and pay the sum of four dollars for every barrel so mixed, and the flour shall be liable for the payment thereof.

Penalty against owner in case of mixture.

Penalty for altering the brand or mark of inspectors.

SEC. 5. That if any person shall alter or erase any brand or mark of the inspector, every person so offending shall forfeit and pay the sum of fifty dollars for every such offense, one-half to the use of the person prosecuting for the same.

Certain laws repealed.

SEC. 6. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 466.

FOREIGN PAUPERS AND CRIMINALS.

No. 343. That the mayor be and he is hereby requested to cause to be enforced so much of an act of the legislature of the State, approved March 16th, 1818, as, in his opinion, may be necessary to prevent the introduction into this city of foreign paupers and criminals.

City Ordinance, No 2303.

ACTS OF THE LEGISLATURE.

Bond to be given by certain persons.

SEC. 12. That every person not a citizen of the United States, and above the age of ten years, arriving and landing at any place within the limits of the State of Louisiana, from any foreign port, shall in like manner report himself to any resident hospital commissioner, and when they are above the age of majority, or by their parents or guardians when under the age of majority, shall give bond in the sum of one thousand dollars, with one or more joint and several solvent sureties, resident in the parish where such person may have landed, conditioned that the principal in such bond shall not, at any time within five years from the date thereof, become, from any cause, chargeable in any manner to the State, to its citizens, or to any charitable institution within its limits, unless such institution be voluntarily supported by foreigners or citizens of foreign birth. And every person who shall refuse or wilfully neglect, for twenty-four hours after his arrival and landing, to make report and give bond as by this section required, shall

Penalty for not giving said bond.

incur a penalty of fifty dollars. Persons arriving and landing in the parishes of Plaquemines, St. Bernard, Orleans or Jefferson shall report themselves in New Orleans, and furnish bond with surety resident in the city of New Orleans.

SEC. 13. That it shall be lawful for any person referred to in the foregoing section, who may be unable, or unwilling to furnish bond as required, to commute therefor by paying within twenty-four hours after his arrival the sum of two dollars and fifty cents.—Acts of 1855, p. 205. Commutation for said bond.

See Act of 1818, page 110.

FORGES, FOUNDRIES AND STEAM ENGINES.

An Ordinance relative to Forges, Foundries and Steam Engines.

No. 344. (1.) It shall not be lawful to erect or establish within the city limits, any forge, foundry or steam engine, without special permission of the common council, under penalty of not less than fifty nor more than one hundred dollars, and five dollars per day so long as any forge, foundry, or steam engine shall continue in operation, in violation of this ordinance. Not lawful to erect, etc.

No. 345. (2.) All buildings for forges and foundries must be constructed of brick or other incombustible materials. Any person violating this provision shall pay twenty dollars a month, so long as such forge and foundry shall continue in operation. Buildings to be fire proof.

No. 346. (3.) All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed. Repealing clause.

City Ordinance, No. 3176. Approved Dec. 26, 1856.

ACTS OF THE LEGISLATURE.

ART. 690. He who wishes to build an oven, a forge or a furnace against the wall held in common, is bound to leave half a foot interval and vacancy betwixt such wall and that of his oven, forge or furnace, and this last wall must be one foot thick.—Civil Code.

GAS COMPANY.—See "WATER WORKS COMPANY."

GUNPOWDER AND POWDER MAGAZINE.

An Ordinance relative to Gunpowder and to the Powder Magazine.

License to sell,
etc.

No. 347. (1.) It shall not be lawful for any person to keep any gunpowder, or offer for sale any gunpowder, without having previously obtained a license for that purpose. The mayor shall grant licenses to vendors of gunpowder to sell by retail, who shall be permitted to have on hand no greater quantity than thirty pounds at any one time, said powder to be kept in a suitable tin or copper canister, to be labelled "powder," in large letters, and the said canister must be kept on a shelf in sight and within ten feet of the main entrance of the store. For this license ten dollars annually shall be paid.

Wholesale vendors.

No. 348. (2.) The mayor shall grant licenses to vendors of gunpowder by wholesale, who may keep on hand one hundred pounds and no more at any one time, and who shall not be authorized to sell any quantity less than a package; provided, that all wholesale dealers shall keep their powder in kegs or canisters carefully packed in chests, made of copper, riveted and with handles, and labelled "powder," in large letters, to be placed on the ground floor, within ten feet of the main entrance. For this license, wholesale dealers must pay annually twenty dollars.

Sign for dealers.

No. 349. (3.) Dealers in powder shall have a sign in large letters containing the words "licensed to sell powder," placed over the main entrance, or on either side of the entrance, in some conspicuous place.

Vessels for conveying powder.

No. 350. (4.) All boats employed in the conveyance of gunpowder shall display at the stern or bow, a red flag while there remains powder on the boat, and all powder so conveyed shall be carefully covered. Steamboats or other vessels receiving powder at this city in quantities exceeding fifty pounds, shall not be permitted to remain at any wharf for a period exceeding four hours after the receipt of over fifty pounds, nor after sunset. No steamboat or other vessel containing powder for delivery in this city shall be permitted to touch or make fast to any of the wharves, unless such boat be decked so as to cover the powder, nor if the quantity on board exceeds twelve kegs, of twenty-five pounds each; and the board of harbor masters shall designate in each district the place of landing powder. It shall be the duty of all dealers in powder to deliver to the captains or other officers

of steamboats or other vessels receiving powder, a copy of this ordinance within each shipment.

No. 351. (5.) No person shall be allowed to pack up Packing powder.
powder for shipment.

No. 352. (6.) Powder conveyed through the city must Vehicles for conveying powder.
be placed in a safely covered chest, and no dray or cart, or other vehicle, shall carry at any one time more than one hundred pounds.

No. 353. (7.) It shall be the duty of the mayor to publish Publication of laws.
once every year the ordinances of the common council and acts of the Legislature relative to the subject of gunpowder, and the harbor masters shall distribute the same among the officers of steamboats, ships, and other vessels.

No. 354. (8.) There shall be elected in the month of Keeper of powder magazine.
June every year, by the common council, a keeper of the powder magazine, who shall give bond with the security of ten thousand dollars, conditioned, for the faithful performance of his duties.

No. 355. (9.) The powder magazine shall be opened at Hours for powder magazine.
sunrise and closed at sunset, except when in cases of emergency the mayor may deem it necessary to give other directions.

No. 356. (10.) No person shall be permitted to enter the Powder magazine.
powder magazine for the purpose of depositing therein or receiving therefrom, gunpowder, except the owner of such powder or his duly authorized agents. All persons entering the powder magazine shall be obliged to use such precaution as the superintendent of such magazine may require.

No. 357. (11.) The superintendent of said magazine shall Delivery of powder.
deliver no powder except at the written request of the owner or his duly authorized agent, and such delivery shall be made on the levee. All powder intended for the powder magazine shall be landed on the levee in front of the wharf of the magazine.

No. 358. (12.) The superintendent shall be entitled to Charges.
charge the sum of three cents for each and every twenty-five pounds of powder received and delivered by him. The charge for storage in the magazine shall be at the rate of forty cents for each hundred pounds, for every calendar month, and the same for all fractions of months, except for powder received for re-shipment, in lots of not less than one hundred kegs, which shall be subject to a charge of twenty-five cents for each hundred

pounds; provided, it is taken out within fifteen days, and in the same lots as received, storage payable monthly.

Exemption from charges.

No. 359. (13.) All powder belonging to the Washington artillery and the Orleans battalion of artillery shall be stored in the powder magazine free of all charges whatsoever.

Penalties.

No. 360. (14.) Every person violating any provisions of this ordinance, shall be fined not less than fifty nor more than one hundred dollars.

Repealing clause.

No. 361. (15.) All ordinances or parts of ordinances contrary to the provisions of this ordinance, and all ordinances on the same subject-matter, are hereby repealed.

City Ordinance, No. 3193. Approved Dec. 30, 1856.

ACTS OF THE LEGISLATURE,

City council vested with power to punish with fine, persons contravening regulations relative to keeping gunpowder.

SEC. 7. That the city councils of the incorporated cities of this State be, and they are hereby vested with the full power to punish with a fine, not exceeding the sum of eight hundred dollars, any contravention of the police regulations by which any individual is forbidden to keep in his house or place of residence, more than a certain quantity of gunpowder as fixed by the said police regulations, and to apply a part of the fines to the informers, and the other part to the benefit of the corporation of the cities.—Acts of 1855, p. 326.

Powder magazine to belong in common.
How administered.

SEC. 3. That the powder magazine belonging to the city of New Orleans, shall belong in common to the three municipalities and shall be administered by the general council, who shall have authority to cause such alterations or repairs to be made thereto from time to time as they may deem necessary, and to appoint a keeper thereof, who shall give bond with security in the sum of ten thousand dollars, and that all sums arising from the storage of powder in said magazine shall be equally divided (after deducting all necessary expenses) between the three municipalities.—Acts of 1840, p. 50.

Keeper to give bond.

Proceeds how divided.

An Act to authorize the Mayor, Aldermen and Inhabitants of New Orleans to establish a Powder Magazine for the use of private individuals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall be lawful for the mayor, aldermen and inhabitants of the city of New Orleans, to purchase out of the limits of said city a lot of ground, and to erect thereon a powder magazine, in which all gunpowder not belonging to the United States of America shall be deposited, whether such powder has been manufactured in this state or imported from any other state or foreign country; provided said magazine be not situated farther than five miles from New Orleans, on the opposite side of the river.

SEC. 2. That as soon as a quantity of powder, greater than one hundred pounds shall be imported into this state, it shall be the duty

of the owner or consignee of the vessel or craft on board of which the same shall have been imported, to cause such powder to be immediately removed to the aforesaid magazine, agreeably to the regulations which the mayor, aldermen and inhabitants of New Orleans may enact on that subject, and the said removal shall take place within three days from the arrival of the powder in the port of New Orleans, under a penalty of a fine of twenty dollars for every hundred weight of powder imported as aforesaid, which fine may be recovered before any court of competent jurisdiction, one half for the benefit of the said mayor, aldermen and inhabitants, and the other half for the use of the informer.

SEC. 4. That the said mayor, aldermen and inhabitants of New Orleans shall adopt the necessary measures to secure and keep said powder in the aforesaid store, and that the said magazine shall be fire-proof, and be provided with a lightning rod.—Acts of 1818, p. 194.

An Act supplementary to an act entitled, “an act to authorise the Mayor, Aldermen, and inhabitants of the city of New Orleans, to establish a Powder Magazine, for the use of private individuals,” approved March twentieth, eighteen hundred and eighteen.

WHEREAS the corporation of the city of New Orleans, by virtue of a right which had been granted to them by the Legislature, has established powder magazines; and whereas time has proved that those powder magazines obliged them to incur expenses which the receipts of said magazines could not compensate, at the rate of twenty-five cents per hundred pounds of powder :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the mayor, aldermen, and inhabitants of the city of New Orleans shall have a right to demand, from the owners of powder, or their agents, fifty cents per month for each and every hundred pounds of powder which shall be deposited in the magazines already established, or which may hereafter be established by the corporation, any law, or provision of law to the contrary notwithstanding.

The mayor, aldermen, etc., have a right to demand fifty cents per month for each hundred pounds of powder deposited in the magazine.

SEC. 2. That the mayor, aldermen, and inhabitants of the city of New Orleans shall enjoy the right which is granted to them by the first section of the present act, but under the obligation, by them, to cause the building of one or more powder magazines, to be begun in the delay of one year after the passing of this act, in such place as the city council shall deem proper to determine; provided, it be not less than two arpents distant from any inhabited place whatever.

Mayor, aldermen, etc., to cause one or more powder magazines to be built.

SEC. 3. That said mayor, aldermen, and inhabitants of New Orleans shall have the right to cause said powder magazines to be built within the limits of the parish of Orleans, either with bricks or wood, according to the opinion of two engineers of known abilities.—Acts of 1829, p. 18.

Right to build a magazine within the limits of the parish of Orleans.

HARBOR MASTERS—BOARD OF.

Their duties, etc.

No. 362. The harbor master shall be authorized from time to time, to cause such ships and vessels as shall not be employed in taking in or landing their cargoes, to remove from the levee in order to make room for other ships and vessels, having more immediate occasion for a convenient situation to take in or discharge theirs, and in such cases he is authorized to send such vessels so removed to be anchored or moored at the levee in all that part of the port which is included between the upper limits of Mr. John M'Donough's plantation and the lower limit of Madame Duvergé's plantation, on the right bank of the river; or that part included above, between Delord steeet and the upper limit of the port; and below, from Enghein street to the lower extremity of the said port on the left bank of the river, and as to the fact of their being really and truly employed either in taking in or discharging their cargoes, the said harbor master is appointed sole judge to decide thereon; and moreover the said harbor master shall have the right of determining on what occasions and how far captains and others having charge of ships or vessels, must accomodate one another in their respective positions and in case any captain or other person resists, opposes or refuses to obey the harbor master in the discharge of the functions of his office, such captain or other person having charge of any ship or vessel, or whoever the offender may be, shall for every such offense incur a penalty of fifty dollars.

City Ordinance, of 1827, Art. 19.

Their powers, etc.

No. 363. The harbor master, or any other person that may be charged with his duties by the corporation, shall have a right to determine the manner in which steamboats, barges, flats, keelboats and other craft of the same description, shall be moored near the levee, and to give the necessary orders for that purpose; and moreover to regulate the manner in which such craft must make room for one another; and every captain of a steamboat, or master of any other craft, who shall not conform to the orders which shall be given to him by the harbor master, or any other person, substituted to him, shall pay for each and every such offense a fine of twenty-five dollars; and if after three days notice, the owner, master, or other person having charge of any flatboat, barge, keelboat and other craft of the same description, shall not

comply with the orders he shall have received as aforesaid, the said harbor master or his representative may cut such craft adrift.

City Ordinance of 1827, Art. 21. See No. 961.

For duty, etc., of Harbor Masters of Canals, see Nos. 101 and 104.

ACTS OF THE LEGISLATURE.

An Act to establish a board of Harbor Masters for the port of New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the act entitled "an act to regulate and define the duties of harbor masters," approved 15th March, 1855, be and the same is hereby repealed. Certain act repealed.

SEC. 2. That the Governor shall nominate and, by and with the advice and consent of the Senate, appoint five harbor masters who shall constitute and be known as the board of harbor masters for the port of New Orleans, and whose term of office shall be two years: Provided, however, that the Governor shall have the power to remove from office any of said harbor masters, upon satisfactory proof made to him of negligence, incapacity or official misconduct. Governor and senate to nominate five harbor masters, to constitute the board of harbor masters. Term of service. Power of the governor to remove said harbor masters.

SEC. 3. That each of said harbor masters shall give bond, payable to the Governor and his successors in office, with two sufficient sureties, in the penal sum of twenty-five hundred dollars, conditioned for the faithful performance of the duties required of him by law. Bond and security to be given by harbor masters.

SEC. 4. That said harbor masters, under the rules and regulations to be established by the board, shall have authority to regulate and station all vessels in the stream of the river Mississippi, within the limits of the port of New Orleans, and at the levees thereof, and remove from time to time, such vessels as are not employed in receiving and discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving or discharging their cargoes; and as to the fact of any vessel being fairly and bona fide employed in receiving and discharging, the said harbor masters are constituted the sole judges. And further, the harbor masters shall have authority to determine how far and in what instances it is the duty of the master and others having charge of ships and vessels, to accommodate each other in their respective situations; and if any master or other person shall oppose or resist any harbor master in the execution of the duties of his office, he shall for each offense, forfeit and pay the penal sum of fifty dollars, to be sued for by the treasurer of the Charity Hospital of the city of New Orleans, for the use of said hospital: Provided, however, that if any person shall consider himself aggrieved by the decision of any individual harbor master, he shall be at liberty to appeal to the board, and their concurrence shall be given thereto before such decision is carried into effect. Duties and powers of harbor masters. Penalty for opposing harbor masters in the performance of their duties. Persons aggrieved by the action of a harbor master, may appeal to the board.

SEC. 5. That the board of harbor masters shall have power to demand and receive from the commanders, owners or consignees, or either of them, of every vessel that may enter the port of New Orleans and load, unload or make fast to the levee, within the said limits, at the rate of Compensation of harbor masters.

two cents per ton, to be computed from the tonnage expressed in the register of such vessels respectively, and no more. This shall not extend to chalands, flats, keelboats, steamboats, or other vessels which are employed in the river trade, unless upon the application of the person having charge of such chaland, flat, keelboat, steamboat, or other vessels so employed. The harbor master shall interfere and adjust any difference respecting the situation or position of such flat or boat, which difference the harbor masters are authorized to hear and determine; in which case they may demand and receive from the party in default in the premises the sum of two dollars for every difference so adjusted, and no more.

Further duties of harbor masters.

SEC. 6. That it shall also be the duty of the said harbor masters to superintend and enforce all laws of this State, and all laws of the city of New Orleans, for the preventing and removing of all nuisances whatsoever, in or upon the levee of the city.

Office to be kept by harbor masters.

SEC. 7. That the said board of harbor masters shall keep an office in a central part of the city, and may appoint such clerks and deputies as they think proper, but the deputies and clerks shall take an oath to perform truly and faithfully the duties imposed on the harbor masters, and the said harbor masters shall be responsible for their acts.

Their clerks and deputies.

Certain laws repealed.

SEC. 8. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be and the same are hereby repealed.—Acts of 1856, page 206.

For Decisions of Supreme Court, see "Master and Port Wardens."

HEALTH—BOARD OF.—QUARANTINE.

Duty of street commissioner and the police.

No. 364. That the street commissioner and all the police officers of the city be, and they are hereby authorized and required, to execute and enforce all orders and instructions, that may be issued to them respectively by the board of health through its proper officers, in pursuance of the act of the Legislature, approved 15th March, 1855.

City Ordinance, No. 2295.

ACTS OF THE LEGISLATURE.

An Act to establish Quarantine for the protection of the State.

Quarantine established.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That there shall be quarantine established below the city of New Orleans, on the river Mississippi, at a distance not less than seventy miles by the river from the city. That the board of health, to be elected under this act, is hereby authorized to locate the quarantine ground, to receive the transfer of the necessary land in the name of the State, and to draw

Board of health authorized to locate quarantine ground, receive transfer, and

upon the treasurer of the State for the necessary amount, out of the fund appropriated under this act; provided the consent of the governor of the State is given to said purchase.

draw for amount appropriated. Proviso.

SEC. 2. That there shall be a board of health, composed of nine competent citizens of the State, to be elected as follow: three by the council of New Orleans, on joint ballot, and six to be appointed by the governor, by and with the advice and consent of the Senate. The said members shall be selected with reference to their known zeal in favor of a quarantine system. All the members of the board shall be commissioned by the governor for the term of one year, after having filed and subscribed in the office of the secretary of State an oath well and truly to enforce and comply with the provisions of an act entitled "an act to establish Quarantine for the protection of the State," and in case of neglecting or failing to comply with the above required oath, within ten days after their appointment or election, their office shall be considered vacated.

Board of health, how composed and chosen.

Term of office.

Oath.

SEC. 3. That the board of health shall meet once a month from the first of November to the first of June, and once a week from the first of June to the first of November, and as often as they deem necessary.

Meeting of the board of health

SEC. 4. That the board of health shall meet and organize on the third Monday in April, and elect out of their own number a president, whose duty shall be to reside in New Orleans and superintend the different quarantine stations of the State, and it shall be his duty to visit them as often as the board of health shall deem necessary. He shall have the power to issue, during the adjournment, to constables or sheriff all orders and warrants provided by the provisions of this act, and shall report to the attorney general all violations of the same. It shall be his duty to lay before the board, at each meeting, the business to be transacted, and a book in which he shall enter copies of all letters written by him, orders and warrants issued, and a detail of all his acts. He shall present at each meeting all communications forwarded to him, and a report of the resident physicians and treasurers, and perform such other duties as shall be assigned to him by the board of health. He shall only be removed by impeachment, and shall receive a salary of two thousand dollars a year.

Time of meeting and organizing.

Duties of president.

His removal.

His salary.

SEC. 5. That four members of said board shall form a quorum; provided however that no contract for building shall be entered into without the consent of a majority of the board.

Quorum.

SEC. 6. That the board of health shall authorize the resident physician to employ, in case of need, an assistant physician at the quarantine ground on the Mississippi river, who shall act as his deputy, and whose salary shall not be more than two thousand dollars a year. The board of health shall have power to employ nurses and assistants to attend the sick, and such other persons as may be necessary to carry out proper quarantine regulations, and to fix their compensation; to fix the number of days of quarantine for vessels liable to it under sections ninth and thirteenth of this act, not to be less than ten days; to determine how said quarantine shall be performed; and to make out all legal regulations not provided by this act, nor contrary to the same, and necessary to

Assistant physician.

His salary.

Powers and duties of the board of health.

Secretary and treasurer.

Power to remove substances detrimental to health in New Orleans.

Powers of the board in enforcing sanitary ordinances.

Appointment, duties and salary of marshal.

Quarantine station at the Rigolets and on the Atchafalaya.

carry out a proper system of quarantine, and to enforce the same by fine not exceeding five hundred dollars; to make rules and regulations for preserving good order and police within the limits of the quarantine ground, and to impose penalties for the breach thereof; to contract for the necessary buildings at the quarantine grounds; to appoint a secretary, who shall act as a treasurer, whose salary shall be fifteen hundred dollars a year, and who shall furnish security in a sum of ten thousand dollars. It shall be his duty to keep a minute of the proceedings of the board, and all vouchers and expenditures made by authority of said board. The board of health shall have power to remove or cause to be removed, any substance which they may deem detrimental to the health of the city of New Orleans, and the commissioners of streets shall execute their orders, whenever not in conflict with the ordinances of the city or the laws of the State; to pass and enforce sanitary ordinances for the city, provided the same are approved by the council and published as city ordinances; to define the duties of officers employed by them, and impose additional duties to officers appointed under this act; to issue warrants to any constable, police officer or sheriff in the State, to apprehend and remove such person or persons as cannot be otherwise subjected to the provisions of this act, or who shall have violated the same; and whenever it shall be necessary so to do, to issue their warrant to the sheriff of the city or parish where any vessel may be, having violated the provisions of this act, commanding him to remove said vessel at the quarantine ground and arrest the officers thereof, all which warrants shall be executed by the officer to whom the same shall be directed, who shall possess the like powers in the execution thereof, and be entitled to the same compensation as if the same had been duly issued out of any court of the State. The governor shall appoint a police officer to be designated as marshal, who shall be under the control of said board of health, and reside at the quarantine station on the Mississippi river, whose duties and powers shall correspond to those of a sheriff or constable, so far as regards the execution of warrants and arrest of persons for violation of said quarantine regulations, and for said services shall receive the annual allowance of one thousand dollars.

SEC. 7. That there shall be a quarantine station at some point on the Rigolets, and another on the Atchafalaya river, two miles below "Pilot's Station," at the north of the Wax bayou. The board of health is hereby empowered and it shall be their duty to locate them agreeably to the provisions of this section; but the provisions of this act shall only apply to the station at the Rigolets from the day of the issuing of the proclamation of the governor as provided by section thirteenth, declaring any port on the lake shore or on the Gulf of Mexico to be an infected place, and shall remain in full force until suspended by a vote of two-thirds of the members of the board of health. The provisions of this act shall apply to and be enforced at the quarantine station on the Atchafalaya river, from the first of May to the first of November of each year; and also when the governor shall have issued his proclamation as provided by the thirteenth section, and in such a case shall remain in

full force until suspended by a resolution voted for by two-thirds of the members of the board of health. There shall be no permanent building erected at Pilot's Station, on the Atchafalaya river, but the board of health shall use as an hospital for the reception of the sick, hulls and cabins of steamboats; the board of health shall employ an officer, whose duty it shall be, and who is hereby empowered, to require from captains of vessels, steamboats or crafts, having passed the station at the Rigolets, or on the Atchafalaya river, the permit of the resident physician. The board of health shall appoint a resident physician for each of the two quarantine stations, on the Rigolets and on the Atchafalaya, and such other persons as may be necessary; provided their salary shall run only during such time as they shall thus be employed, and shall in no case exceed, for the time they shall have been thus employed, the salary of the same officers at the quarantine station, for the same space of time, on the Mississippi.

SEC. 8. That the resident physician of the quarantine ground shall receive a salary of five thousand dollars (\$5,000), and shall be appointed by the governor of the State, by and with the advice and consent of the Senate, and removable at pleasure. It shall be his duty to visit every vessel coming from any port and entering the mouth of the Mississippi river. He shall require the captain of every vessel thus inspected to pay the following fees: for every ship, bark, or sea going steamer, the sum of twenty dollars, and fifteen for all other vessels; provided nothing contained in this section shall apply to any vessel or craft going from New Orleans to sea and returning without having touched at any port or at the quarantine, towboats excepted; to all vessels not coming from any infected district, as provided by section thirteen, or not having on board patients, affected with cholera, yellow fever, pestilential, contagious or infectious diseases, or not in a sanitary condition, a certificate to that effect shall be given. It shall be his duty to return to the secretary of the board of health a weekly list of vessels by him inspected, together with the amount collected for such inspections, which shall form a fund for the support of the quarantine.

Appointment, salary and duties of the resident physician of the quarantine ground.

SEC. 9. That the resident physician shall have the power and it shall be his duty to detain at the quarantine ground, with their cargoes, crews and passengers, all vessels coming from an infected district, as provided by section thirteen, or in a foul condition, or having on board persons affected with cholera, yellow fever, pestilential, contagious or infectious diseases, during such time as he may deem necessary, not less than ten days; to compel the captain to land the sick at the quarantine ground, to fumigate and cleanse all such vessels, and to submit to such rules and regulations as will be hereafter provided by the board of health, and that all costs incurred for vessels found in a foul condition, including the sum of five dollars for the support of each and every sick person landed at the quarantine station, shall be borne by the captain and owners, and shall be paid to the resident physician, before a certificate, as provided by section eight, shall be given.

Power to detain certain vessels.

Power to compel captains to land sick and fumigate vessels.

Costs for vessels found in a foul condition.

SEC. 10. That the resident physician shall have such other powers as may be delegated to him by the board of health, not contrary to the

Duties of physician.

provisions of this act, and necessary to carry them into effect. It shall be his duty to remain at the quarantine ground, attend the sick, and perform all such other duties as may be required of him by the board of health.

Appointment,
duties and salary
of the treasurer
for the quaran-
tine ground.

SEC. 11. That the board of health shall appoint a treasurer for the quarantine ground on the Mississippi river, with a salary of fifteen hundred dollars (\$15,000) per annum, and who shall furnish security in the sum of ten thousand dollars (\$10,000.) It shall be his duty to attend to the finances, collect all sums of money due by vessels in a foul condition, account and pay over to the secretary of the board of health all monthly balances in his hands, and shall receive and deliver the freight of all vessels ordered to be unloaded, and perform such other duties as the board of health shall require of him.

Duties of the
secretary of the
board of health.

SEC. 12. That the secretary of the board of health shall deposit in bank all moneys paid over to him, and shall keep a correct account of the same. He shall moreover present, at each meeting of the board, a statement of its affairs, and cause his accounts to be approved by the auditor of public accounts every three months, and shall act as commissary for the purchase of provisions and supplies, and shall deposit in bank all moneys paid over to him, and shall perform such other duties as the board of health may assign to him.

Proclamation in
certain cases to
be issued by the
governor.

SEC. 13. That the Governor of the State, shall issue his proclamation upon the advice of the board of health, declaring any place where there shall be reason to believe a pestilential, contagious or infectious disease exists, to be an infected place, stating the number of days a quarantine is to be performed. It shall be the duty of the resident physician to give timely notice to the board of health of the necessity of such proclamation. After such proclamation shall have been issued, all vessels arriving in the port of New Orleans, or at the Rigolets, or at the Atchafalaya station, from such infected place, shall be subject to quarantine, and shall, together with their officers, crews, passengers and cargoes, be subject to all regulations, passed by the board of health, or provided by this act. Every master of a vessel subject to a quarantine or visitation, arriving in the port of New Orleans, who shall refuse or neglect either, first, to proceed with and anchor his vessel at the place designated for quarantine at the time of his arrival; second, to submit his vessel, cargo, and passengers to the examination of the physician, and to furnish all necessary information to enable that officer to determine what quarantine shall be fixed for his vessel; third, to remain with his vessel at the quarantine ground during the period assigned for her quarantine, and while there to comply with the directions and regulations prescribed by this act, or by the board of health, or with such directions prescribed for his vessel, crew, cargo and passengers by the resident physician, shall be guilty of a misdemeanor, and be punished by a fine not exceeding two thousand dollars (\$2000,) or by imprisonment not exceeding twelve months, or by both, at the discretion of the court.

Effects thereof.

Penalty for not
complying with
certain quaran-
tine regulations.

Penalty for not
complying with
the regulations

SEC. 14. That every person who shall violate the provisions of this act by refusing or neglecting to obey or comply with any order, prohi-

bition or regulation made by the board of health, in the exercise of the powers herein conferred, shall be guilty of a misdemeanor, punishable by fine and imprisonment, at the discretion of the court by which the offender shall be tried. It shall be the duty of the captain of every towboat towing a vessel subject to quarantine or visitation, to leave such vessel at the quarantine ground, and to inform the captain of the penalties attending a non-compliance with the provisions of this act.

of the board of health.

Duty of captain of towboats.

SEC. 15. That the captain of any sea-going vessel, steamboat, or towboat, violating the provisions of this act, or the rules and regulations established or to be established by the board of health, shall be considered guilty of a misdemeanor, and sentenced to pay a fine not exceeding five hundred dollars, and imprisonment not exceeding one year.

Penalty for violating the provisions of this act.

SEC. 16. That the resident physician shall report to the attorney general all violations of this act; and it shall be his duty to prosecute all person or persons thus offending; to collect the fines, and remit the amount thereof to the secretary of the board of health, whose duty it shall be to keep a separate book for fines collected, to be approved of every three months by the attorney general, who shall receive such compensation as the board may fix for his services.

Report to be made of all violations of this act.
Prosecution for said violations.

SEC. 17. That it shall be the duty of the harbor masters in their respective districts, to demand of the captain of every vessel arriving from sea to New Orleans, the permit of the resident physician, and to report to the secretary of the board of health all vessels having entered the port without such permit.

Duty of harbor masters.

SEC. 18. That from the first of May to the first of November, all towboats plying from the mouth of the river to New Orleans, shall be liable to inspection and quarantine, and it shall be the duty of the different harbor masters to require from the captains of such towboats the certificate of the resident physician, as provided by section eighth, which certificate shall not be granted before a detention of at least five days: provided, nothing herein contained shall be so construed as to apply to towboats plying between New Orleans and the quarantine ground, and no further.

Tow boats liable to inspection and quarantine.

SEC. 19. That the captain of any towboat or steamboat, who shall receive on board of his boat, freight, goods, or passengers, from a vessel liable to inspection or quarantine, or who shall receive goods or passengers from the quarantine ground, without the permission of the resident physician, shall be punished by a fine not exceeding two thousand dollars (\$2000,) and by imprisonment at the discretion of the court; and all violations of the provisions of this act at the quarantine station on the Mississippi river, and at the Rigolets, shall be tried by the criminal court of New Orleans, and all violations of this act at the station on the Atchafalaya river, shall be tried by the district court of the parish of St. Mary.

Penalty imposed on captains for certain offenses.

Courts which shall have jurisdiction of such offenses.

SEC. 20. That the board of health shall cause such extracts of this act to be made, as they may deem necessary for the information of the masters of vessels arriving in this State, and shall cause a sufficient

Extracts of this act to be published for the benefit of masters of vessels.

number to be printed and delivered to the pilots, to be distributed to the masters of vessels arriving as before provided.

Duty of pilots to deliver printed copies of extracts.

SEC. 21. That every pilot or any other person acting as such, shall deliver to the master of every vessel inward bound, one copy of the principal extract from this act, which shall be furnished him by the board of health, and any pilot refusing or neglecting so to do, or aiding in landing any passenger or other person, contrary to this act, shall forfeit one hundred dollars for every offense.

Penalty.

Fine for going on board vessels performing quarantine.

SEC. 22. That every person who shall go on board of any vessel while performing quarantine, without the permission of the resident physician or his assistants, shall forfeit the sum of fifty dollars.

Designation of the limits of the quarantine station.

SEC. 23. That the quarantine stations shall be known by that name, and their limits shall be designated by boards placed on the boundaries on which shall be printed in large letters: "These are the limits of the quarantine station."

Appropriation of \$50,000.

SEC. 24. That the sum of fifty thousand dollars (\$50,000) be and is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be paid to the secretary of the board of health, on a resolution of a majority of the board, payable by instalments; provided that the second and third instalments shall not be paid until the accounts of the secretary of the board of health shall have been audited and approved by the auditor of public accounts, for former disbursements.

When and how paid.

Buildings at the quarantine station on the Mississippi.

SEC. 25. That the buildings to be erected at the quarantine station, shall consist of, at the station on the Mississippi river, two separate buildings, as hospitals for the sick, of a small house as residence for the officers appointed under this act, and of a well ventilated store for the reception of the freight of such infected vessel as the resident

Buildings at the Rigolets.

physician shall deem necessary to cause to be unloaded. The buildings at the Rigolets shall be constructed of wood and consist of an hospital for the sick, and of a store for the freight of vessels or steamboats ordered to be unloaded. At the Atchafalaya station a good shade shall be provided for the freight of vessels ordered to be unloaded. The

Buildings at the Atchafalaya station.

Transfer of land at the Rigolets and on the Atchafalaya, how received.

board of health shall receive the transfer of such land as may be necessary at the Rigolets and on the Atchafalaya river, in the same manner and under the same conditions as are required by section one, and all plans, specifications and contracts for the above buildings shall be submitted to and approved by the Governor of the State, provided that the costs of said buildings shall in no case exceed the amount hereinbefore appropriated.

Election by council of New Orleans of three members of the board of health.

SEC. 26. That it shall be the duty of the council of New Orleans, within ten days after the passage of this act, to elect three members of the board of health, as provided by section second of this act, and all acts, resolutions and ordinances passed by them, after the expiration of the delay herein prescribed and before the election of the members of the board to be elected by them, shall be null and void.

Incorporation of the board of health.

SEC. 27. That the board of health and their successors are hereby created a body corporate, under the name of the board of health of the State of Louisiana, to sue and to be sued under that title.

SEC. 28. That all laws or parts of laws inconsistent with the provisions of this, be and the same are hereby repealed. Certain laws repealed.

SEC. 29. That this act shall take effect from and after its passage.— When this act takes effect.
Acts of 1855, page 471.

HOSPITALS.

For City Tax, see No. 670.

ACTS OF THE LEGISLATURE.

An Act to provide for the Administration of the Charity Hospital at New Orleans, and to provide a revenue for its support.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That within twenty days after the meeting of the general assembly each year, the Governor shall nominate and, with the advice and consent of the Senate, appoint eight administrators of the charity hospital at New Orleans, who, together with the Governor of the State, shall compose the board of administrators. The Governor shall be in perpetuity president of the board. They shall at their first meeting elect a vice-president, who shall perform the duties of president in his absence. A quorum for the transaction of business shall be four administrators, who shall have power to elect, in the absence of the president and vice-president, a president pro tem. They shall assemble on the first Monday of each month, and oftener if the president think fit, or business requires it. Eight administrators to be appointed annually by the governor.

The governor to be president of the board.
Vice-president.

When they shall meet.

SEC. 2. That they shall have full power and authority to manage and administer the hospital, to repair and improve its property, of whatever nature it may be, to rent and lease the same, and to enter into any kind of contracts, (sales of real estate excepted,) to accept, in behalf of the hospital, all donations and legacies, also to sue and implead and to be impleaded, in all affairs and actions whatever, before any of the courts of the State. Powers of board.

SEC. 3. That they shall have the power to order, establish, alter and put into execution all by-laws and ordinances which they think best suited to the interest and better regulation of the hospital, if such by-laws and ordinances be not contrary to the laws of this State, to the constitution of the United States, nor to the police ordinances of the corporation of New Orleans; and to appoint the several persons they may judge necessary for the service of the hospital. At each monthly meeting they shall designate two of their own members, whose duty it shall be, either jointly or separately, to visit the hospital, at least twice in every week, to inspect the service of the same, and enforce the execution of the regulations, on all which they shall make their report to the board. Powers and duties of board.

Treasurer, his bond.

SEC. 4. That they shall appoint a treasurer, to be continued at their own will, who, before he enters upon the functions of his office, shall give a bond and security to the satisfaction of the board of administrators.

Duties of treasurer.

SEC. 5. That it shall be the duty of the treasurer to recover all sums due to the hospital, to keep a correct statement of its property, claims and revenues, and to make all necessary payments authorized by the board, and not otherwise, and finally to return every year to the board a minute account of his receipts and expenditures, which, after being carefully examined by a special committee, shall, if found just and correct, be approved by the board.

Power in certain cases to vacate seat of absent members. Power to fill vacancies.

SEC. 6. That the board shall have power to declare the seat of any member vacant who shall absent himself from three successive monthly meetings, without leave, and to fill all vacancies that may occur in the board.

Annual report of the board.

SEC. 7. That the administrators shall, within the first ten days after the annual meeting of the general assembly, make a report to each branch thereof, which report shall contain a faithful account of the receipts and disbursements of the institution, and a faithful statement of all property, both real and personal, owned and claimed by the charity hospital.

Register to be kept by the clerk

SEC. 8. That a register containing the family and christian names of each and every patient who shall have been admitted into the hospital, also his last place of residence, if known, the disorder with which he may have been afflicted, the time of his death or discharge, and whether cured or not, shall be kept by the clerk of the establishment, under the superintendence of the administrators; and it shall be their duty to annex to their annual report to the general assembly a tableau extracted from this register, exhibiting the nature of the diseases attended to in the hospital during the proceeding year, the number of patients admitted, the number of persons dead, cured, or gone out of the hospital for any other cause; the number of those born in the same country, and the number remaining at the end of the year.

Money coming to the hospital, how appropriated.

SEC. 9. That all money coming to the hospital shall be exclusively appropriated to the use of the patients, but the administrators may from time to time make such changes in or additions to the hospital as they may deem expedient, whenever the revenues may permit the same to be done.

Certain exhibitions taxed for the benefit of the hospital.

SEC. 10. That for every public ball or concert, the sum of ten dollars shall be paid to the treasurer of the hospital, and annually for each theatre, five hundred dollars; for each circus, one hundred and fifty dollars; for every managerie, fifty dollars, and every show, twenty-five dollars; and it shall be the duty of the mayor of the city of New Orleans, in authorizing any of these exhibitions, previously to require the receipt of the treasurer of the hospital, for the payment of said sums respectively, and in case he should issue any license without such receipt, the city of New Orleans shall be liable therefor.

Rep't to be made by commanders of vessels.

SEC. 11. That within twenty-four hours after the arrival of any vessel at its place of destination from any foreign port, the commanding

officer, or any other officer of such vessel, shall make under oath a written report to any resident hospital commissioner, which shall state the name of such vessel, its owners, officers and consignees, the place where its voyage began, and the name, nation or birthplace, race or color, age, occupation, place of first embarkation, and place and time of debarkation in this State, of every person or passenger, not of the crew proper, and not a citizen of the United States, who shall have landed from such vessel within this State. He shall report in like manner whether or not any officer of such vessel has collected from any person or passenger, not a citizen of the United States, any commutation money, as hereinafter allowed to be paid; and if so, from and by whom and to what amount.

SEC. 12. That every person not a citizen of the United States, and above the age of ten years, arriving and landing at any place within the limits of the State of Louisiana, from any foreign port, shall in like manner report himself to any resident hospital commissioner, and when they are above the age of majority, or by their parents or guardians when under the age of majority, shall give bond in the sum of one thousand dollars, with one or more joint and several solvent sureties, resident in the parish where such person may have landed, conditioned that the principal in such bond shall not, at any time within five years from the date thereof, become, from any cause, chargeable in any manner to the State, to its citizens, or to any charitable institution within its limits, unless such institution be voluntarily supported by foreigners or citizens of foreign birth. And every person who shall refuse or wilfully neglect, for twenty-four hours after his arrival and landing, to make report and give bond as by this section required, shall incur a penalty of fifty dollars. Persons arriving and landing in the parishes of Plaquemines, St. Bernard, Orleans or Jefferson shall report themselves in New Orleans, and furnish bond with surety resident in the city of New Orleans.

Bond to be given by certain persons.

Penalty for not giving said bond.

SEC. 13. That it shall be lawful for any person referred to in the foregoing section, who may be unable or unwilling to furnish bond as required, to commute therefor by paying within twenty-four hours after his arrival the sum of two dollars and fifty cents.

Commutation for said bond.

SEC. 14. That the commutation payments allowed by the foregoing section may be lawfully made to any hospital commissioner, or to the clerk or commanding officer of the vessel on which the person making such payment arrives. And every such commanding or other officer shall on the arrival of their vessel, or on his own arrival, forthwith pay over to any hospital commissioner the sums so received or collected, less a commission of five per cent., which he shall be entitled to retain for his trouble.

Said commutation payments to whom made.

SEC. 15. That all bonds taken or reports received by any commissioner, as aforesaid, shall have the force and authenticity of notarial acts, as against the signers thereof; and every person not a citizen of the United States, claiming to be exempt from making report or giving bond, shall be held to prove his exemption.

Effect of bonds taken as above.

SEC. 16. That it shall be the duty of the board of administrators to appoint one or more commissioners, removable at will, to be styled

Hospital commissioners, their ap-

pointment, duties
and powers.

hospital commissioners, who shall have power, in the name and for the use of the hospital, to sue for and recover, collect, receive and receipt for, all commutation money, bonds, fines, forfeitures and penalties; the commissioners shall each furnish bond satisfactorily to the president and administrators at the hospital, for the faithful performance of their duties. They may also, with the consent and approbation of the president and administrators, appoint deputies, for whose acts they shall be responsible, who shall be vested with the same powers and duties as themselves. The commissioners and deputies shall perform such other duties as may be imposed on them by the board; they are also vested with the power of boarding all vessels and examining their log-books and other documents, and with all other powers reasonable and necessary for properly enforcing the same in all its parts, they being responsible for the abuse of their powers; they also shall have authority to compound for penalties, fines and forfeitures incurred so long as judgment has not been rendered for the same, subject always to the control of the board.

Bonds, fines and
forfeitures to be
paid to hospital,
and how applied.

SEC. 17. That all bonds, fines, forfeitures and penalties shall be paid to and belong to the charity hospital, and shall be applied to the medical and surgical relief of the sick and destitute.

Penalties for cer-
tain offenses.

SEC. 18. That any person opposing or obstructing in any manner the commissioners or their deputies in the exercise or performance of their official duties, shall incur a penalty of not less than twenty-five dollars nor more than three hundred dollars. Any person collecting commutation or other money on behalf of the charity hospital, or belonging to it, and concealing the fact, or not paying the same over to the proper commissioner or agent, on demand, shall incur a penalty of not less than one hundred nor more than one thousand dollars. Any commanding or other officer of any vessel refusing and unreasonably neglecting to report, shall incur a penalty of not less than fifty nor more than five hundred dollars.

Certain laws re-
pealed.

SEC. 19. That all laws contrary to the provisions of this act, and all laws upon the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 203.

DECISIONS OF SUPREME COURT.

The statute of March 12, 1838, sec. 4, making it the duty of the mayor of New Orleans, before authorizing exhibitions in any theatre, to require from the manager the production annually of a receipt from the treasurer of the charity hospital, showing the payment by the manager of the sum of five hundred dollars for the use of the hospital, is not unconstitutional. The exaction of a price for the license so granted is not, in its proper legal sense, a tax. 2 Ann. 550, 5 Ann. 380.

The council may grant permission to one or more individuals to erect a hospital within the city. 9 R. R. 411.

The common council may abate private hospitals when they become nuisances, 5 N. S. 409.

The tax created by the statute of March 27, 1843, providing a fund for the support of the charity hospital of New Orleans, being imposed exclusively on the passengers and not on the officers and crew of a vessel, cannot be regarded as a regulation of commerce and is therefore not a violation of the United States constitution (Art. 1, sec. 8,) nor are its provisions inconsistent with any act of Congress regulating commerce or prohibited by the act of Congress of April 8, 1812, that act having no further application since the admission of Louisiana into the Union. 7 R. R. 210.

HOTELS, BOARDING HOUSES, ETC.

For city tax, see Nos. 654, 684, 721.

Retaining free persons of colour, see No. 771.

ACTS OF THE LEGISLATURE.

SEC. 62. That all keepers of hotels, taverns, boarding houses, and all other house keepers, upon their being requested by the assessors of the district in which said hotel, tavern, boarding house or other house, may be situated, shall give such assessors a true account of all persons boarding or lodging or being tenants or resident in such house, and their several names, if known to the end that any such person liable to taxation may be assessed according to this act; and if any person of whom such information is demanded shall refuse to give the same, or shall wilfully give an erroneous account, such person shall forfeit and pay one hundred dollars to the city of New Orleans, which said city may sue for and recover the same, in any court having jurisdiction thereof.—
 Acts of 1856, p. 151.

Account to be furnished by keepers of hotels, etc.

Penalty for not furnishing true account.

HOUSES OF REFUGE.

No. 365. (1.) Hereafter, in the month of May, in each year, the council will elect thirteen citizens to serve for one year, or until their successors shall be elected, who, with the mayor, shall constitute a board of commissioners for the management of said house of refuge.

Council to elect commissioners.

No. 366. (2.) The commissioners, of whom five shall form a quorum, shall at their first meeting after their election, elect from their own members a president, prescribe his duties and adopt rules and regulations for their own government.

President.

Power and duty
of commissioners.

No. 367. (3.) The board of commissioners shall have the management of said house of refuge, prescribe the kind and amount of labor to be performed by the inmates—make rules and regulations for their instruction, improvement and government, and do and perform all other acts they may deem necessary and proper for their improvement, or to carry into complete effect the objects contemplated by the laws of the State, relative to houses of refuge for juvenile delinquents and juvenile vagrants. Provided, however, that they shall not make any agreement or contract for the payment of money, except for the ordinary supplies and expenses of said house of refuge, or for materials, or mechanical or agricultural tools, for manufacturing or agricultural purposes in said institution.

To report.

No. 368. (4.) The said commissioners shall report quarterly to the council the condition of said house of refuge, accompanied by such information and suggestions in relation to the same, as may be deemed expedient.

Standing committees.

No. 369. (5.) The standing committees on the house of refuge, of either board of the common council, shall have authority, at all times, to inspect the minutes of the proceedings of the board of commissioners and all records of the institution; and it shall be the duty of said committees to visit the said house of refuge at least once in every month.

Officers and servants.

No. 370. (6.) The commissioners of the house of refuge be, and they are hereby authorized to appoint such number and grade of officers or servants for the institution, as they may deem necessary and advantageous, and determine their compensation, provided the annual salaries and wages shall not exceed the sum of five thousand and five hundred dollars.

No. 371. (7.) Immediately after the adoption of this ordinance, the council shall elect thirteen citizens as commissioners, as aforesaid, to serve until the next annual election.

Repealing clause.

No. 372. (8.) All ordinances of the late Municipalities Nos. 1, 2 and 3, and of the late city of Lafayette, inconsistent with this ordinance be, and the same are hereby repealed.

City Ordinance, No. 1015.

Failure to attend meetings.

No. 373. When any member of the board of commissioners of the house of refuge shall fail to attend all the meetings thereof, during a period of two calendar months, without leave from the board, he shall, *ipso facto* cease to be a member of said board.

City Ordinance, No. 2123.

No. 374. That the ordinances or resolutions of the common council, or of the late Municipality No. 2, constituting the clerk of the recorder of said Municipality, or of the recorder of the first district, secretary of the board of commissioners of the house of refuge, and providing for his compensation be, and the same are hereby repealed, and that the board of commissioners have power to elect their secretary.

Secretary of board.

City Ordinance, No. 1261.

No. 375. From and after the passage of this ordinance the house of refuge situated in the first district of this city, and known as the house of refuge of Municipality No. 2, shall be known and recognized as the house of refuge of the city of New Orleans.

The house of refuge.

All juvenile delinquents and offenders, committed by the recorder or other magistrates or courts of the city to the house of refuge, shall be sent to it.

City Ordinance, No. 33.

No. 376. That the city attorney be, and he is hereby, instructed, to attend to all cases of *habeas corpus*, or other legal proceedings, relating to the house of refuge.

Legal proceedings.

City Ordinance, No. 229.

No. 377. That the proposition of James Saul, to transfer to the city the title acquired by him, under the adjudication at public sale on the 19th March last, by Beard and May, auctioneers, of the property known as the "Fulton School House," to be used as a house of refuge for girls, be accepted; and the mayor is hereby authorized to accept and sign an act of retrocession of the same, etc., etc.

Girls of House of Refuge.

City Ordinance, No. 1340.

No. 378. In order to enable the inmates of the house of refuge to celebrate the following public holidays, viz: the anniversary of American Independence, Washington's birth day, and thanksgiving day, that the sum of fifty cents for each boy and each girl in the houses of refuge, for the time being, be and is hereby appropriated for each of said holidays, for each year, payable on the warrants of the comptroller, in favor of the president of the board of commissioners of the house of refuge, and which the comptroller is hereby authorized to issue one week previous to the date of said holidays, respectively.

Appropriation for holidays.

City Ordinance, No. 1576.

Punishment of Minors, see No. 543.

ACTS OF THE LEGISLATURE.

Application of
the provisions of
this act.

SEC. 5. That all inmates at present in any of the houses of refuge in the city of New Orleans shall be kept, detained and governed during the periods respectively specified, and dealt with in all respects according to the provisions of this act.—Acts of 1850, p. 96.

Juvenile va-
grants, how
treated.

SEC. 122. That if any child shall be found begging for alms or soliciting charity from door to door, or in any street, highway or public place, such child shall be deemed a vagrant, and any justice of the peace of the parish, or any one of the recorders or aldermen of the city of New Orleans, shall commit him to such place of refuge as may be provided by the parochial authorities, and if in the city of New Orleans, to the house of refuge of the city, and the child shall be there detained, kept, employed and instructed in such useful labor as he shall be able to perform, until discharged therefrom under the rules of the places of refuge, or bound out as an apprentice by the administrators of such places of refuge, or by the parochial authorities.—Acts of 1855, p. 150.

Persons under
fifteen, crime not
capital, may be
sentenced to the
house of refuge
instead of peni-
tentiary.

SEC. 31. That the judges of the several courts of the city of New Orleans, exercising criminal jurisdiction, are hereby authorized and empowered to sentence all persons under the age of fifteen years, convicted of any crime not capital, to the house of refuge, instead of the penitentiary or parish prison.—Acts of 1855, p. 155.

INSANE PERSONS—ASYLUM FOR, ETC.

Asylum building

No. 379. That the buildings on Levee street, third district, known as the third Municipality work house, be, and they are hereby, appropriated for a temporary asylum for the indigent insane; and it shall be the duty of the recorders of the various districts of the city to commit such persons to said asylum until provision can be made for their admission into the State asylum at Jackson.

Officers.

No. 380. There shall be appointed by the mayor one superintendent, at a salary of sixty dollars per month; one male assistant at a salary of forty-five dollars per month; and two female assistants, at salaries of fifteen dollars per month, each; all of whom shall board in the institution and be in attendance day and night.

Duty of superin-
tendent.

No. 381. It shall be the duty of the superintendent to attend to the proper care and security of the persons therein confined, and under the direction of the police committees of the council, to purchase the necessary provisions, clothing, etc., for the inmates

and make monthly returns to the council, and keep the necessary books to show the transactions of the institution.

No. 382. All ordinances or parts of ordinances contrary to Repealing clause. the same be, and they are hereby repealed.

City Ordinance, No. 1794. Approved Oct. 21, 1854.

No. 383. That ordinance No. 1794, relative to the removal Location. of the indigent insane asylum from its present location to the late third Municipality work house, be so amended as to designate the property belonging to the city, and situated in the square bounded by Goodchildren, Clouet, Louisa and Morales street.

City Ordinance, No. 1817.

No. 384. The superintendent of the temporary insane asylum, Charge for slaves. third district, shall charge and collect of the owner or owners of every insane slave received by him in said asylum the sum of fifty cents per day, in full compensation for care and support of said slave during the time he or she remains in said asylum, the money collected to be deposited weekly into the city treasury for the benefit of said city.

City Ordinance, No. 1908.

No. 385. From and after the passage of this ordinance it shall be the duty of the keeper of the insane asylum to charge Charge for white patients. and collect one dollar per day for the keeping of each white patient, upon the certificate of the mayor of the city or either of the recorders of the several districts that said patient or person entering the same are able to pay said amount, said money so received to be handed over to the city treasurer for the benefit of said institution.

City Ordinance, No. 2323.

No. 386. From and after the adoption of this resolution, it shall be the duty of the attorney of the corporation to take the requisite legal steps for the admission of indigent insane persons into the State asylum at Jackson, whenever the mayor of the city shall furnish the attorney with the names of such persons as he may deem fit subjects for removal thither. Duty of city attorney.

City Ordinance, No. 342.

No. 387. It shall be the duty of the physician of the police Jail to visit the insane confined therein at least once a day, and when any of their number shall have sufficiently recovered, that he be authorized to issue an order for the discharge of such person. Duty of city physician

City Ordinance, No. 1358.

Notice to sheriff. No. 388. That the keeper of the insane asylum be required to notify the sheriff of the parish of Orleans of the number of persons confined in said institution which are to be transferred to the insane asylum at Jackson, La., whenever they have remained over the time prescribed by law, and so directed by the city physician.

City Ordinance, No. 3224.

ACTS OF THE LEGISLATURE.

Lunatics, how admitted to State asylum. SEC. 9. That whenever it shall be made known to the judge of the district, by the petition and oath of any individual, that any lunatic or insane person within his district ought to be sent to or confined in the insane asylum of this State, it shall be the duty of the said district judge to issue a warrant to bring before him, in chambers, said lunatic or insane person, and after proper inquiry into all the facts and circumstances of the case, if in his opinion he ought to be sent to or confined in said insane asylum, he shall make out his warrant to the sheriff of the parish, commanding him to convey the lunatic or insane person to the insane asylum for which duty the sheriff shall have the right to demand the same fees as are now allowed by law for the conveyance of convicts to the penitentiary of the State, which shall be paid out of the parish treasury, upon the order of the district judge, and likewise all other expenses previously incurred in bringing said insane person before the district judge.

Duty of the district judges.

Duty of the sheriffs.

Compensation to sheriffs.

Powers of the board to receive lunatics in certain cases.

SEC. 10. That the board of administrators shall have authority to receive insane persons, not sent to the asylum by a district judge, on such terms and conditions as they may deem fit to adopt; and money so received shall be applied to the support of the institution.

Monthly amounts to be paid by the lunatics. Persons in indigent circumstances excepted.

SEC. 11. That all persons received in the asylum as insane, shall be charged at a rate not less than ten dollars a month, unless the police jury of the parish from whence the insane person came, a municipal council, if from a city or town, or clerk of the court, shall certify that said person is in indigent circumstances.

Duties of clerks of district courts relative to the admission of lunatics in the asylum.

SEC. 12. That whenever application is made to the clerk for a certificate as above stated, it shall be his duty to examine, under oath, such witnesses as may be brought before him, and to give or refuse said certificate, as the case may in justice require; and the said clerk is empowered, whenever he shall deem the same necessary, to summon before him, as in ordinary cases any witnesses necessary, and said certificate so given shall entitle the person therein named to admission into the lunatic asylum without charge.—Acts of 1855, p. 454.

See act 1855, page 453.

INSPECTIONS AND INSPECTORS.

1.—INSPECTION OF BEEF AND PORK,—See “BEEF AND PORK,” page 20.

2.—INSPECTION OF FLOUR.—See “FLOUR,” page 111.

3.—INSPECTION OF TOBACCO.—See “TOBACCO.”

4.—INSPECTIONS OF WEIGHTS AND MEASURES.—See “WEIGHTS AND MEASURES.”

5.—INSPECTIONS GENERALLY.

ACTS OF THE LEGISLATURE,

An Act relative to Inspections generally.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall be lawful for any owner, agent, consignee, or receiver of produce, to sell or ship the same, with or without inspection: provided, however, that the said owner, agent, consignee, or receiver, shall be bound to have any produce offered for sale inspected, when inspection shall be demanded by the purchaser. Said inspection, when required, shall be made by the inspector commissioned under the authority of the State. Inspection to be voluntary.
Proviso.

SEC. 2. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice be repealed.—Acts of 1855, p. 329. Certain laws repealed.

INSURANCE—INSURANCE COMPANIES.

No. 389. From and after the passage of this resolution, no officer of this city shall be authorized to effect an insurance upon the property of the city. City not to insure.

City Ordinance No. 587.

For City Tax on Insurance Companies, see No. 646.

See “Corporation,” page 78 and page 79.

See Fire Department No. 314.

JURY—JURORS.

ACTS OF THE LEGISLATURE.

An Act relative to Juries.

Qualifications of juror.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the qualification of a juror to serve in any of the courts of this State shall be the following: First. To be a duly qualified voter of the State of Louisiana.

SEC. 2. That the following persons shall be exempt from serving as jurors:

First. The members of the legislature, together with their officers and clerks, during the time of the sessions.

Second. The Governor, the secretary of State, and all the public officers commissioned under the authority of the United States.

Third. The mayors and recorders of incorporated cities.

Fourth. The judges, officers of the several courts of this State, attorneys and counsellors at law, notaries, ministers of the gospel, and treasurers of incorporated institutions.

Fifth. The clerks of incorporated banks and institutions.

Sixth. All persons more than sixty years old, or those that may be infirm or valetudinary.

Seventh. Physicians and apothecaries.

Eighth. The inspectors of beef and pork, flour, tobacco, and other merchandise in the city of New Orleans.

Ninth. All school teachers while acting in that capacity.

Tenth. All persons who now or hereafter may be enrolled active members in any one or more of the present or future incorporated fire companies.

Eleventh. All persons attached to the police department of New Orleans, as likewise the treasurer and comptroller, and all clerks employed in the different offices of the corporation, and those who are charged with the superintendence of the slaves and convicts sentenced to hard labor, the keeper of the city prison, the workmen employed at the city works, and the city commissaries.

Twelfth. All auctioneers in and for the parish and city of New Orleans.

Thirteen. The members of the police jury of the parishes of Plaquemines, St. Bernard, and that portion of the parish of Orleans on the right bank of the Mississippi river, during the term for which they were elected.

Fourteenth. The clerks, workmen, and employees of the branch mint of the United States at New Orleans.

Fifteenth. In the parish of Jefferson, the voters residing in that part of the parish lying on the sea shore, and known as Grand Isle, Grand Terre, and the Cheniere Caminada.—Acts of 1855, p. 297.

For Juries generally, see act 1855, p. 297, and act 1855, p. 343.

For exemption of Firemen, see Fire Department, p. 106. (Act 1856, page 108.)

JUSTICES OF THE PEACE.—For their criminal jurisdiction see "RECORDERS."

KEEPER OF COURT HOUSES.

No. 390. There shall be elected annually by the common Council to elect keeper. council of the city of New Orleans, on the third Monday of May, a keeper [of the court house, whose duties will be as follows :

No. 391. (1.) He shall, every morning, at an early hour, His duties. open all the doors and windows of the court house, cause to be swept and dusted the different courts and offices, place the seats in order, and during the winter, light fires, whenever they shall be necessary, and supply the courts with good water.

No. 392. (2.) He shall take care that the carpets, tables, His duties. seats and other furniture, as also the ceilings and the window glasses, be constantly kept in the highest state of cleanliness, and shall cause to be swept and washed every day the yard and the lobbies.

No. 393. (3.) Every day, as soon as the courts shall have His duties. adjourned, he shall cause to be shut all doors and windows, and put out all fires and lights, and shall take care that no person shall enter the courts after adjournment, or pass the night therein. It is well understood that the provisions of this article shall not apply to the officers of the different courts.

No. 394. (4.) He shall be responsible for all damage and His responsibility. injury arising from the carelessness or improper conduct of his servants or assistants.

No. 395. (5.) The said keeper shall reside in said court Shall reside in court house. house, and shall sleep there. He shall not absent himself during the day unless he leaves some person in his place, for whose acts and doings said keeper and his sureties shall be responsible ; and said keeper shall not absent himself therefrom during the night.

No. 396. (6.) Said keeper shall receive, inclusive of all His compensation. expenses for lights, wood, pitchers, tumblers, etc., brooms, brushes, buckets and all other expenses for keeping the said courts in order, a compensation of two thousand dollars per annum, payable monthly, on the warrant of the comptroller.

His bond. No. 397. (7.) He shall furnish bond in the sum of five thousand dollars, with good and sufficient security, to the satisfaction of the common council, for the faithful performance of his duties.

Additional security. No. 398. (8.) The council reserves to itself the right to require new or additional security whenever they may deem that given insufficient.

Repealing clause. No. 399. (9.) All ordinances or parts of ordinances contrary to the foregoing ordinance, be and the same are hereby repealed.

City Ordinance, No. 458. Approved Nov. 27, 1852.

Additional duties No. 400. That the duties imposed on the keeper of the court house, as set forth in ordinance No. 458, approved 27th November 1852, be so construed as to apply to all the courts and court houses of the city at present existing, or that may hereafter be established.

City Ordinance, No. 2147. [Approved May 5, 1855.]

LAMPS, GAS LIGHTS, ETC.

Gas Lamps.

No. 401. That the mayor be, and he is hereby, authorized to enter into contract with the New Orleans Gas company for the lighting with gas of all the streets, levees, public squares and public buildings of the city which are now or may be hereafter lighted with gas, for the term of five years, commencing on the first day of April, 1855, under the following conditions :

(1.) Street Lamps.—The street lamps to be lighted every night from one half hour after sunset until one half hour before sunrise, except when the moon is fifteen minutes or more above the horizon, at thirty-two and a half dollars per lamp per annum, including the cost of gas, lighting, extinguishing, and cleaning the same, together with the cost of the posts and lanterns and their repairs.

(2.) Levee Lamps.—The levee lamps to be lighted in the same manner and during the same time as the street lamp, at the rate of forty-eight dollars per lamp per annum, inclusive, including (as above stated for the street lamps) the cost of gas, etc., but the mains, posts, etc., and their repairs, shall be at the expense of the city.

(3.) Market and Public Square Lamps.—These lamps to be lighted from one half hour after sunset until one half hour *after* sunrise, at the rate of seventy-five dollars per lamp per annum, including (as above stated for the street lamps) the cost of gas, etc., but the city to be chargeable for the first cost of the fixtures and their repairs, the burners excepted.

Amended so as to read "before" sunrise, by Ordinance No. 2137.

(4.) Public Buildings.—All the gas which shall be consumed within the public buildings shall be charged for by the metre measurement, and together with the fixtures and their repairs, at the same rates which may be charged to private consumers at the time being.

(5.) Oil Lamps.—All lamp posts and lanterns which the city may order the company to place, shall be put up for the sum of thirty dollars each.

All lamps charged for by the lamp to be fitted with steel "bat's-wing" burners, consuming not less than four cubic feet per hour each, and shall be kept at all times clean and in good order by said company.

A deduction of one dollar shall be made for each lamp reported as "out" or "not burning," within the time as specified, by any police or other city officer, unavoidable accidents only excepted.

It shall be further agreed that the city council shall have the right, if they judge proper, at any time, to require all the street and levee lamps, or any designated portion of them, to be lighted during the same time as specified for market and public square lamps, by giving or causing to be given written notice at or before 4 o'clock, P. M., at the office of said company, when cloudy weather exists or may be anticipated, and the price for such extra lighting shall be charged for at the rate of one cent per hour for each hour for each lamp so lighted, over and above the times above specified. Payments in cash to be made monthly on the certificate of the street commissioner, or such other officer of the city as the council may designate to superintend said lighting.

City Ordinance, No. 2083. Approved March 30, 1855.

No. 402. That the comptroller adjudicate after five days Oil lamps. advertisement, the contract for lighting the oil lamps of the city, according to the specifications on file, subject to the approval of the committees on finance and streets and landings of the common council.

City Ordinance, No. 2924.

LEWD WOMEN.

Women creating
disturbances, etc.

No. 403. Any woman or girl notoriously abandoned to lewdness, who shall occasion scandal or disturb the tranquility of the neighborhood, shall be condemned by the mayor, or any other justice of the peace, to a fine of twenty-five dollars for every such offense, and in case of her not being able to pay the said fine, she shall suffer imprisonment for one month, according to law. And each and every person who shall have rented or have lodged or harbored, either within the city, or suburbs, any woman or girl, notoriously abandoned to lewdness, and who shall occasion scandal or disturb the peace or tranquility of the neighborhood, shall pay the sum of fifteen dollars for each twenty-four hours, he or she shall continue to furnish lodgings to any woman or girl of that description, after due notice is given of the same, by the mayor, that he or she shall cease to rent to, or lodge any of the above described persons.

City Ordinance of May 20, 1817. (Art. 3.)

Women frequenting
coffee houses, etc.

No. 404. (1.) From and after the promulgation of this ordinance, it shall not be lawful for any lewd woman in this Municipality to frequent cabarets or coffee houses, nor to drink therein, under the penalty of a fine, which shall not be less than five nor more than twenty-five dollars, recoverable before the recorder of this Municipality, or any other competent tribunal, provided that any such woman who would be unable to pay the said fine, shall in lieu thereof suffer an imprisonment, the term of which shall not exceed one month in the workhouse of this Municipality.

Duty of police.

No. 405. (2.) It shall be the duty of the commissaries of police, as also of the officers and members of the day and night police, to apprehend all or any lewd woman acting in contravention of the foregoing resolution, and to bring her before the recorder of this Municipality.

Ordinance, Feb. 17, 1845, of first Municipality.

LICENSES.—See "REVENUE" No. 645, *et seq*

McDONOUGH ESTATE.

An Ordinance defining the powers and rights of the commissioners appointed by the city of New Orleans, acting in conjunction with the agents appointed by the city of Baltimore, to administer the property composing the succession of the late John McDonough, and fixing the compensation to be allowed to them for their services.

No. 406. (1.) That the commissioners appointed by the city of New Orleans to take possession of, and administer, the property composing the succession of the late John McDonough, in conjunction with the agents of the city of Baltimore, be, and they are hereby, invested with all such powers as are necessary to the due and proper management and administration of the said property, as the same are more particularly detailed and set forth in that clause of the last will and testament of the said John McDonough, in which he provides for the mode of appointment and administration of the said commissioners. Powers of commissioners.

No. 407. (2.) That all suits, actions, or other proceedings which shall or may be instituted by or against the city of New Orleans, touching or growing out of the title and interest of the said city of New Orleans in the property, or of any part or portion thereof, bequeathed to the said city by the said John McDonough, shall be conducted and prosecuted by the said commissioners in the name and in the behalf of the said city of New Orleans, and to that end the said commissioners shall have the right to sue for and demand from the proper tribunals, both of original and appellate jurisdiction, in the name of the said city of New Orleans, and such suits, orders, or other process, as they may deem necessary to the due protection of the said city in the said property, and for that purpose to employ an attorney or attorneys at law to appear in the prosecution and in the defence of said suits, and from all judgments and degrees rendered in the premises, whether interlocutory or final, and take all such writs of error or appeals, suspensive or devolutive, as may be allowed by law, and in the name and in the behalf of the said city of New Orleans, to execute and deliver all such judical bonds and obligations as may be required by the property prosecution or defence of said actions. Suits, how conducted, etc.

No. 408. (3.) A salary at the rate of fifteen hundred dollars per annum shall be paid to each of the said commissioners, dating from the time of his appointment, and the same to be paid out of the proceeds of said estate. Compensation of commissioners.

Whereas the city of New Orleans has, by the charitable bequest of the late John McDonough, and the decisions of the highest judicial tribunals, and a recent act of the State Legislature, become a co-proprietor of the large estates of said McDonough; and whereas, the city of New Orleans has a full and complete ownership of her undivided share of said property, subject to certain legacies and bequests; therefore,

Be it resolved by the common council of the city of New Orleans :

Estate, how to be devoted.

No. 409. (1.) That the said estate should be inviolably devoted to the charities designated by the testator, so far as is conducive to the public weal, and in accordance with existing laws.

Disposition of real estate, etc.

No. 410. (2.) That it is not for the public weal, or for the good of the estate, or the purposes to which it is devoted, to hold it in perpetual ownership, creating a vast system of sub-leasing of so much as is desirable, and holding in wasteful neglect so much as is not of ready sale; but that it is for the interest of the city of New Orleans to encourage sales to actual settlers and fee simple owners, who as such, will enhance the value of the property, and yield the city a far greater source of wealth from the estate, than as lessors or tenants.

No. 411. (3.) That all experience shows that corporate bodies are wasteful and inefficient landlords and lessors of property, and that the estate of said John McDonough must inevitably be greatly consumed by the expenses of its management so long as it is out of the control of individual proprietors directly interested in the profits and revenues it may yield.

Partition of the estate.

No. 412. (4.) That in order to obviate all abuses and waste, and more immediately to enter upon the sacred purposes of the bequest, the said estate, real and personal, should at the earliest moment, and as fast as practicable, be fairly divided between the city of Baltimore and the city of New Orleans.

Sale of property.

No. 413. (5.) That after discharging all claims for legacies and effecting a partition of the whole or part of said estate, the share falling to the city of New Orleans should be at once put in process of sale at public auction, and to the highest bidder.

Proceeds.

No. 414. (6.) That the proceeds of such property, as fast as it matured, should be invested in the bonds of the city of New Orleans, and the interest devoted sacredly to the charitable uses before mentioned.

No. 415. (7.) That all the slaves belonging to the suc- Slaves.
cession should be placed in the hands of the American
Colonization Society, to be by them carried to the colony of
Liberia.

No. 416. (8.) That a copy of these resolutions (which are Copies, etc.
declaratory of the views of the common council as to the best
disposition of this estate) be transmitted by the mayor to the
honorable mayor and council of the city of Baltimore, requesting
their assent to the partition of this now unprofitable and
unwieldy estate.

No. 417. (9.) That the agents and commissioners of the Commissioners
to report etc.
McDonough estate be also served with a copy of these resolutions,
and respectfully requested to report in full to this body the
practicability of the partition aforesaid, and also to make such
other suggestions as they may see fit. They are also requested
to make such leases only as may not seriously incommode the
proposed partition.

City Ordinance, No. 2307. Approved July 21, 1855.

For Taxes on this estate, see No. 747.

For the Decision of the Supreme Court, see 8 Ann. p. 171.

ACTS OF THE LEGISLATURE.

An Act to authorize the Commissioners on the part of the city of New Orleans, and the Agents of the city of Baltimore, Managers of the general estate of the late John McDonough, deceased, to divide said estate by partition and to make final settlement with the Legatees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the commissioners on the part of the city of New Orleans, and the agents of the city of Baltimore, managers of the general estate of the late John McDonough, deceased, be and they are hereby authorized to divide said estate by partition, between the cities of New Orleans and Baltimore, and to make final settlement with the legatees mentioned in the will, and to do and perform all other lawful acts which may be necessary to make a division of the property between the said cities of New Orleans and Baltimore: provided the cities of New Orleans and Baltimore concur in said acts. McDonough com-
missioners au-
thorized to make
settlement with
the legatees, and
to make partition

SEC. 2. That this act shall go into effect after its passage.—Acts of When this act
takes effect.
1855, p. 230.

MARKETS.

The common council, of the city of New Orleans, ordain as follows :

Adjudication.

No. 418. (1.) On the first Monday of December, in each year, the comptroller shall adjudicate, or cause to be adjudicated, at his office, the collection of the revenue of the markets for one year. He shall give ten days' notice, in the official gazette of the city, of the day and hour at which said adjudications shall take place.

City Ordinance, No. 418, sec. 1.

That ordinance No. 418, sec. 2, concerning the markets, be amended so as to read as follows :

Lessees to pay,
etc.

No. 419. (2.) The farmers or lessees shall immediately after said adjudications furnish one twelfth in cash, and their promissary notes for the balance, endorsed to the satisfaction of the finance committee, payable from the 1st of January at one, two, three, four, five, six, seven, eight, nine, ten and eleven months. Should any farmer or lessee refuse or neglect to furnish the one twelfth in cash, and his notes as aforesaid, the comptroller is authorized to cause a new adjudication to be made forthwith for the account and risk of said farmer or lessee.

What dues col-
lected.

No. 420. (3.) The farmer or lessee of said revenue shall not be entitled to collect other dues than those hereinafter mentioned, to wit :

City Ordinance, No. 1860.

For every head of large horned cattle, ninety cents.

For every head of veal, mutton, pork or venison, twenty-five cents. (It being well understood that when the fore quarter of a veal shall weigh more than forty pounds, the farmer or lessee of the revenue may levy, for the sale of said veal, ninety cents.)

For each stall and half table, including the frames with hooks on which to hang the meat, twenty-five cents per day.

For every bench for the sale of fish, twenty-five cents per day.

All butchers, and retailers of fish, shall be answerable for the frames with hooks, so rented to them by said farmer.

What may be
sold.

No. 421. (4.) All kinds of meat, fowl, game, fish, vegetables, and all other articles destined for the daily supply of the city, may be bought and sold at the markets, excepting the beef market of the second district, at which no fish, or vegetable, shall be sold.

Vendors to have
sign, etc.

No. 422. (5.) Every vendor of meat, vegetables, or other articles permitted to be sold in the markets of this city, is

hereby required to have his or her name painted on a tin sign, in a plain and legible manner, with a number on the same, and to be affixed in a conspicuous place over the stall or place occupied; and, in case any vendor, as aforesaid, shall not comply with this resolution within thirty days from its passage, or shall thereafter, at any time, for more than three days consecutively, not have such sign so exposed, said vendor shall be liable to a fine of ten dollars, recoverable before any court of competent jurisdiction, for the benefit of the city.

No. 423. (6.) Said markets shall open at the dawn of day, Market hours. and shall close at twelve o'clock M. precisely; and the closing of the markets shall be announced by the market bell, which it shall be the duty of the commissary to ring, or cause to be rung.

No. 424. (7.) During the half hour immediately following Cleaning stalls, etc. the closing of said markets, the butchers and other persons hiring or occupying stalls, shall be bound to scrape, wash, and cleanse their respective stalls and tables, so as to keep the same in the highest state of cleanliness, and every person neglecting to comply punctually with the disposition of the present article, or who shall not quit the said market at the hours specified in article six of the present ordinance, shall pay a fine of five dollars for each offence. And no person shall be permitted to sub-lease any stall or table, under a penalty of fifty dollars. Any butcher, or other person, vending in said market, if absent therefrom three days, leaving his stall or table unoccupied, shall be deemed to have abandoned the same, and the farmer may hire it to another.

No. 425. (8.) It shall be the duty of the farmer, or other person authorized by the city to collect the above established duties, to keep an exact register of the persons to whom he lets the stalls, stands, tables, and frames with hooks, at market hours, and deliver certificates thereof to persons occupying the same. Any persons occupying any table, stand, or stall, without the consent of the said farmer or collector, and who shall refuse to deliver up the same, on the first request which shall be made to them by the commissary of the market, shall pay a fine of ten dollars for each offense, and shall be compelled to conform to the provisions of the present enactment. Lessee to keep register, etc.

No. 426. (9) It shall not be lawful for any person to erect or keep any stand, or other incumbrance, on any of the banquettes of the markets of the city, without permission of the common council, under a fine of less than five dollars a day for Stands on banquettes.

each stand, and if said stand be not removed after six days' notice, it shall be the duty of the surveyor to cause the same to be removed, as an incumbrance, at the expense of the owner or occupant: provided, no stand now erected shall be removed, except on the written request of three or more residents of the vicinity. It is hereby made the duty of the commissaries of the markets to have this ordinance executed.

Sale of bad articles.

No. 427. (10.) If any person shall sell, or expose for sale, within the market aforesaid, any blown, stale, imperfect, or unwholesome provisions, or meat of any animal that died of disease, such provision or meat shall be seized by the commissary and shall be thrown into the nuisance boat, and the offender shall be fined from ten to fifty dollars for the first offense, and for the second, he shall be deprived of vending in said markets, or of hiring any stall. It shall be the duty of the commissaries of the markets, alone, or with two assistants, appointed by the recorders, and sworn before them, daily to make a strict inspection of the butchers' meat, and of other provisions exposed for sale at the said markets, and to enforce the strict observance of this regulation.

See No. 536.

Meats to be sold in markets only, etc.

No. 428. (11.) Butchers, or other retailers of butchers' meats, shall not expose them for sale elsewhere than at the market established by law, under a penalty of twenty-five dollars for each offense. They shall be compelled to saw the bones of the meat; and they shall not, under any pretext, break them down with a hatchet, or cleaver, under a penalty of five dollars for each offense.

Scales and weights.

No. 429. (12.) It shall be obligatory on the commissaries of the markets, always to have in the said markets scales and weights to be used at the request of any person, who, at the time of purchase, may desire to prove the weight of any meat or other provision, and no scales and weights shall be used in said markets, unless they are proved and stamped according to law. Any violation of the provisions of this section, or selling by false weights, shall subject the offender to a fine of ten dollars for each and every offense.

Sale of liquors forbidden.

No. 430. (13.) It is expressly forbidden, under a penalty of fifty dollars for each offense, to sell, or cause to be sold, within said markets, or on the footways which surround it, any spirituous or ardent liquors.

No. 431. (14.) It is forbidden to all hawkers and peddlers Hawkers and peddlers. to sell any sort of goods or merchandise in the said markets, or on the footways surrounding the same, under a penalty of ten dollars for each offense.

No. 432. (15.) All vegetables, melons, potatoes, onions, fish, Articles sold in market exclusively. shrimp, crabs, crawfish, turtle, and game, destined for the daily supply of the city, shall be brought to the markets established by law for the sale thereof, and all persons exposing for sale any of said articles in the streets or in any other part, than at said markets, during the hours prescribed by this ordinance, shall incur a fine of from five to fifteen dollars for every offense. And the commissaries, and the police of the city, are hereby ordered to seize and detain all such articles exposed for sale in contravention thereof, until the fine and expenses thereon are paid.

See Nos. 515 and 516.

No. 433. (16.) Carts or wagons, for the conveyance of all Market carts, etc. supplies whatever to said markets, shall be placed under the inspection of the commissaries of the markets.

No. 434. (17.) All persons are forbidden to stand, sit or lie, Standing, etc., on stalls. on the stalls or tables of the markets under a penalty of two dollars.

No. 435. (18.) It shall be the duty of the commissaries of Duty of commissioners. the markets, to see that the ordinances relating thereto are fully enforced, and that no offense is perpetrated against the farmer of the dues of the markets; to keep order in the markets; to have arrested all persons who disturb the public peace, and to conduct them before the mayor, recorder, or any other magistrate, to be punished according to law. The said commissaries shall always be present in said markets, during market hours, except in case of sickness; and in such case he or they shall give notice to the mayor, who shall place another to do his duty until the council shall act thereon. In case of neglect of his duties, the commissary shall pay a fine of twenty dollars for each offense, and further, he shall be liable to be removed by the council.

No. 436. (19.) The farmers shall be bound to comply with Lessees' obligations. all the regulations contained in this ordinance, in all that relates to them. They shall not be entitled to any indemnification from the council, under the pretext that the ordinances by virtue of which they formed their contracts, are not sufficiently clear, or are not enforced, either by the negligence of the officers or the police nominated to protect them, or by violence committed by

individuals; the farmers have the right to prosecute the said officers or individuals, as the case may be, and have them punished with the fine or other penalties fixed for these offenses.

Lessee fees.

No. 437. (20.) The farmers shall not, under any pretext whatever, exact or receive fees of any person selling in any other places than those designated by the present ordinance, under a penalty of twenty-five dollars for each offense.

Fines.

No. 438. (21.) All fines fixed by this ordinance shall be recoverable before any court of competent jurisdiction, for the benefit of the city.

Posting ordinances.

No. 439. (22.) It shall be the duty of the commissaries of the markets to cause to be posted up, at all times, in at least six places in each market, this ordinance, in the French and English languages.

Salt meats, how sold.

No. 440. (23.) Butchers or other persons having salt or corned beef, or pork, for sale, shall not exhibit the same on the stalls, unless in a clean white tray, not painted, twenty-six inches long, sixteen inches wide, and six inches deep; they may also keep a harness cask, or tight box, of the same dimensions as the butchers' block.

Vegetables.

No. 441. (24.) No vegetables shall be washed within said markets.

Dues payable daily.

No. 442. (25) That the dues which the farmers of the markets are entitled to collect for tables, stands, and stalls, shall be payable to them daily; and they are hereby empowered to take possession of any table, stand, or stall, the lessees of which shall have allowed one day to pass without paying the dues for the same, after a demand made for the said dues; and no person dispossessed of a table, stand or stall, for non-payment of the dues, shall be permitted to occupy any place in the markets, until he pay all arrears to the farmer.

Grocery stands not allowed.

No. 443. (26.) That after the first day of January next, no grocery stands shall be allowed in any of the markets of the city.

Groceries not to be sold in streets.

No. 444. (27.) It shall not be lawful for any person to sell, or offer for sale, any article of groceries by retail, in the streets of the city, either in carts or otherwise, under a penalty of twenty-five dollars for each offense, recoverable before any court of competent jurisdiction, for the benefit of the city.

Lessee's dues.

No. 445. (28.) That it shall not be lawful for any lessee of a market to demand or receive from any person, desiring to rent, or renting any stall or stand in a market, any greater sum than

that fixed by the ordinances, or for back rent which may be due to such lessee for such stall or stand from any person other than the person who may desire to rent, or who may have rented the same, under a penalty of fifty dollars for each offense, recoverable before any court of competent jurisdiction, for the benefit of the city.

No. 446. (29.) That from and after the 31st December next, it shall not be lawful to sell oysters in any of the markets of this city. Oysters.

No. 447. (30.) That all venders of vegetables, fruit or other articles authorized to be sold in the markets, who shall obstruct or cause to be obstructed the thoroughfares thereof on the sidewalks, with boxes, barrels, or other articles whatever, or who shall not remove such obstruction from said markets or sidewalks thereof within half an hour after market hours, shall be liable to a fine of five dollars for each offense, recoverable before any court of competent jurisdiction, for the benefit of the city; and the commissaries of the market are hereby authorized to cause such obstructions to be removed at any time, at the expense and risk of the owner. Obstructions, etc.

See No. 453.

No. 448. (31.) That it shall not be lawful to light or keep any fire in the markets, except oil, spirit gas or charcoal, and these only for the purpose of heating chocolate, tea, milk and coffee; and any person who shall violate this article shall pay a fine of not less than five dollars for the first offense, nor less than ten dollars for each subsequent offense, provided no fine shall be more than twenty-five dollars for each offense. Fire not allowed in market.

No. 449. (32.) That any person who shall disobey any order of the commissaries authorized by this ordinance, or by other ordinances regulating said markets, shall be liable to a fine of ten dollars, recoverable before any court of competent jurisdiction, for the benefit of the city. Violation of orders, etc.

No. 450. (33.) That the farmers or lessees of the vegetable markets of the second district, shall not be entitled to collect other dues than those hereinafter mentioned, to-wit: Vegetable market, second district.

No. 450. For each vegetable table of four feet, and each stand for the sale of poultry, game, bread and fruit, fifteen cents; it being understood that for every table or stand situated at the end of any of the rows of the tables in the market, the farmer shall be entitled to charge twenty cents, and it shall be the duty

of the surveyor to designate which are corner tables; and for each coffee stand one dollar. (Said stands to be calculated as of eight feet in length.—Ordinance No. 1143.)

Vegetable market, second district.

No. 451. (34.) All kinds of game, poultry, vegetables, and all other articles destined for the daily supply of the city, except meat, may be bought and sold at said market.

Repealing clause.

No. 452. (35.) All ordinances or resolutions contrary to or conflicting with the foregoing, are hereby repealed.

City Ordinance, No. 418. Approved Nov. 20, 1852.

Obstructions, etc.

No. 453. (1.) From and after the first day of January, 1856, it shall be unlawful for any person to occupy any portion of the sidewalks or pavements bordering any of the public markets of the city, by depositing thereon, for sale or other purposes, any article whatsoever, calculated to obstruct the free passage thereon by pedestrians, or to erect, or continue, if already erected, in, on or over the said sidewalks or pavements, any awning, shed, bench or partition—or to erect, or continue, if erected, within the public markets, any awning, shelf or partition, by which the light or ventilation of said markets may be obstructed—or to cook any meat, game, fish or vegetables within said markets, or on the sidewalks or other public grounds adjacent: Provided, that those persons who sell coffee and chocolate in said markets may be allowed to heat the same by means of spirit or other lamps, enclosed in such manner as shall be safe from danger of communicating fire to other objects.

See No. 453.

Penalty of violation.

No. 454. (2.) Every person contravening any of the provisions of the foregoing section, may be arrested by any commissary or other police officer, and taken before the recorder of the district, when he shall be summarily tried, according to the forms of law, and if found guilty, shall be condemned to pay a fine of ten dollars for the first offense, and not less than twenty or more than one hundred dollars for the second offense, and stand committed and imprisoned not exceeding thirty days, or until the fine or fines, in either case, be paid, said fines to enure to the benefit of the city.

Cleaning, whitewashin., etc., of markets.

No. 455. (3.) That the farmers of the markets shall provide for keeping clean, whitewashing and sweeping them at their own expense, except such cleaning as already contracted for.

City Ordinance, No. 2458. Approved Nov. 29, 1855.

No. 456. That the street commissioner be, and he is hereby Cleaning of mar-
kets. authorized, whenever the farmers of the markets of the city shall fail to comply with the provisions of ordinance No. 2458, for cleaning said markets, to notify the farmer or farmers so delinquent, to have his or their market cleaned within five days from the date of said notification, under a penalty of ten dollars per day for every day he or they shall neglect or fail to comply with said ordinance and notification. Which penalty shall be recoverable before any court of competent jurisdiction, for the use of the city.

City Ordinance, No. 3190. Approved Dec. 27, 1856.

No. 457. From and after the passage of this ordinance, any Impure meats,
etc. butcher or other person who shall expose or offer for sale, in any of the markets of this city, any meats, poultry, fish, or other provisions which may be tainted or decayed, or which shall have been diseased, shall be liable to a fine of not more than one hundred dollars for each offense, recoverable before any court of competent jurisdiction, for the benefit of the city; and commissaries of the several markets in the city are hereby instructed to arrest or cause to be arrested any person so offending, together with the meats, etc., which may be offered, and convey the offender or offenders before the recorder in whichever district the offense is committed; and in case of failure or refusal of any person or persons, guilty of said offense, to pay the above fine, he or they shall be imprisoned not more than thirty days.

City Ordinance, No. 2833.

No. 458. (1.) That the commissaries of St. Mary's and Daily refuse. Poydras markets be directed, and are hereby authorized, to procure a sufficient number of substantial barrels or tubs, to contain the daily refuse of the various stalls, fruitstands, etc., of said markets, and to cause the same to be placed according to their direction, on each side of the markets.

No. 459. (2.) As soon as the requisitions of the foregoing Daily refuse. resolution are complied with, all vendors of meat, fish, fruits, etc., within the limits of said markets, shall be required to throw the daily refuse of their stands into the barrels or tubs so provided, and that the contractor for cleaning the streets of their district shall cause the same to be disposed of as in the case of other daily offal.

No. 460. (3.) Any vendor in said markets who shall throw, Daily refuse, or cause to be thrown, any meat, fish, fruit or vegetable,

whether decayed or otherwise, into any streets or gutters adjoining said markets, shall be liable to a fine of not less than five or more than twenty dollars for each offense, recoverable before any court of competent jurisdiction, one half of which shall be paid to the informant, the balance deposited in the city treasury.

City Ordinance, No. 297. Approved Sept. 22, 1852.

Daily refuse.

No. 461. That the provisions contained in ordinance No. 297, approved September 22d, 1852, and which directs the commissaries of the St. Mary's and Poydras markets to procure a sufficient number of substantial barrels or tubs to contain the daily refuse of the stalls, fruit stands, etc., of said markets, be also made to apply to the vegetable markets of the second district, with like directions to the commissaries of said markets; and that all the requirements, as set forth in said ordinance No. 297, also apply to the vegetable markets of the second district aforesaid.

City Ordinance, No. 2467. See No. 458, etc.

Vegetable market, first district.

No. 462. That the Triangular market, at the junction of Annunciation and Tchoupitoulas streets, be and the same is hereby established as a vegetable and fruit market.

That the sale of vegetables and fruit be prohibited in the St. Mary's market from and after the first day of January, 1856.

City Ordinance, No. 2459.

Vegetable market, first district.

No. 463. That from and after the first day of March, 1855, the lower part of the Dryades market (that is to say below Melpomene street,) shall be and the same is hereby appropriated for the use of butchers, fishmongers and fruit sellers, and all that portion of said market situated above Melpomene street shall be appropriated for the sale of vegetables, poultry, etc.

City Ordinance, No. 2129.

Chains for markets.

No. 464. That the surveyor be, and is hereby authorized to cause suitable posts and chains to be erected on either side of the Poydras market, so as to prevent the passage of vehicles during market hours.

Resolved, that it shall be the duty of the commissary of said Poydras market to place the chains across said street at three o'clock A. M., and to keep them up until eleven o'clock A. M., of each and every day.

Chains for markets.

No. 465. That the street commissioner be requested to have two chains extended across Penn street at the upper end of Poydras market, and to order that the same be extended during

the hours of market, thereby preventing drays and carts from passing and repassing, to the great annoyance of our citizens, saying nothing about the constant danger of injury to the many persons attending the market.

City Ordinance, No. 2500.

No. 466. That the lessee of the small market, situated in the second district, between the beef and vegetable markets, be and he is hereby permitted to allow live poultry and eggs to be sold at the vacant stands in said market; also corn and oats by the pint and quart. Second district market.

City Ordinance, No. 2611.

No. 467. (1.) The salary of the commissary of the St. Mary's market, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 468. (2.) The salary of the commissary of the Poydras market, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 469. (3.) The salary of the commissary of the Annunciation market, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 470. (4.) The salary of the commissary of the Dryades market, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 471. (5.) The salary of the commissary of the vegetable market, second district, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 472. (6.) The salary of the commissary of the beef market, second district, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 473. (7.) The salary of the commissary of the Trémé market, from and after the passage of this resolution, is hereby fixed at sixty dollars. Salary of commissaries.

No. 474. (8.) The salary of the commissary of the Port and Washington markets, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 475. (9.) The salary of the commissary of the Magazine street market, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

No. 476. (10.) The salary of the commissary of the Lafayette market, from and after the passage of this resolution, is hereby fixed at sixty dollars per month. Salary of commissaries.

City Ordinance, No. 639.

Salary of commissaries.

No. 477. That the salary of the commissary of the Ninth street market, fourth district, be fixed at sixty dollars per month from the ninth inst. (August.)

Ordinance No. 2094.

Suspension.

No. 478. Any policeman or commissary wrongfully suspended, shall receive pay for the whole of the time that he may have been thus suspended.

City Ordinance, No. 28, Art. 15.

Commissaries of St. Mary's market.

No. 479. That the commissary of St. Mary's market be also required to act as commissary of the Triangle market, on Tchoupitoulas street, without additional compensation.

Commissary vegetable market, second district.

No. 480. That the commissary of the Vegetable market, second district, be also required to act as commissary of the fruit market, second district without additional compensation.

City Ordinance, No. 2877.

Commissary of Washington market.

No. 481. That the police board be, and they are thereby authorized to elect a person to act as commissary of Washington market third district, said officer to remain in, and perform all duties appertaining to the commissaries of the markets, during the pleasure of the common council, the salary of the same to be, and the same is hereby fixed at forty dollars per month.

City Ordinance, No. 2329.

Appointment of commissaries.

No. 482. The mayor shall appoint a commissary for each of the markets of the first, second and third districts, and two commissaries—one for the Magazine and one for the Saraparu street markets, in the fourth district—subject to the approval of the board of aldermen; and it shall be the duty of one of the day police of the fourth district, to be selected by the captain of said district, to act as commissary of Ninth street market.

City Ordinance, No. 28. Art. 15.

Commissaries under chief of police.

No. 483. That the commissaries of the several markets of the city shall be under the special instructions of the chief of police, relative to their several duties in enforcing the ordinances now in existence concerning said markets.

City Ordinance, No. 1776.

Their duty as to fire plugs.

No. 484. It shall be the duty of the commissaries of the several markets, as soon as the markets shall have been washed, to have the fire-plugs closed, and kept closed until wanted the next day for the same purpose, except in case of fires, and for

any violation of this ordinance the commissary shall be dismissed from his office.

City Ordinance, No. 2144.

For Commissaries' duties as to Bakeries and Bread, see No. 41.

DECISIONS OF SUPREME COURT.

The right to establish markets is a branch of the sovereign power, and that of regulating them is necessarily a power of municipal police.—4 Ann. 336.

The ordinance imposing a fine on persons selling groceries in certain market houses is neither illegal nor unconstitutional.—4 Ann. 278 and 336.

MASTER AND WARDENS OF THE PORT OF NEW ORLEANS.

ACTS OF THE LEGISLATURE.

An Act relative to the Master and Wardens of the Port of New Orleans, and for regulating the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall be lawful for the governor to appoint, as often as shall be necessary, by and with the advice and consent of the Senate, one fit and proper person to be master, and three other fit and proper persons to be wardens of the port of New Orleans, who shall be called the master and wardens of the port of New Orleans, who shall hold their offices for two years from the date of their appointment.

Appointment of master and wardens of the port of New Orleans.

SEC. 2. That the master and wardens shall keep an office in the city of New Orleans, and shall cause to be made, in a book to be kept for that purpose, an entry of all their proceedings, to which all persons may have access.

Their term of office.

Office, where kept
Book to be kept by them.

SEC. 3. That the master and wardens, or any of them, shall, if called upon by the person commanding any ship or vessel arriving from sea, inspect the manner in which the hatches of such ship or vessel were secured, previous to the opening thereof for the purpose of discharge, and shall be present at the opening of the same; and shall, upon every such survey, certify under his hand how the hatches appeared to him; for which certificate he shall be entitled to two dollars, and for every duplicate thereof one dollar.

Certain duties of wardens.

Fees for certificate.

The master and wardens or any two of them, shall be surveyors of damaged goods brought into the port of New Orleans in any ship or vessel; and with the assistance of one or more skilful carpenters, shall be surveyors of any damaged vessel, and any vessel deemed unfit to

Duties of master and wardens.

Their fees.

proceed to sea ; and they shall, upon every such survey, certify under their hands how the vessel so surveyed appeared to them, and shall cause entries to be made in a book to be kept for that purpose in their office, and for each certificate and entry they shall be entitled to two dollars, and for every duplicate thereof to one dollar ; and the wardens shall severally be entitled, for their services as surveyors of damaged goods or vessels, at the rate of two dollars and fifty cents per day. And further, it shall solely belong to the said master and wardens, or any two of them, to order and direct the sale of damaged goods by public auction, giving notice of such public sale at least two days before, in English and French, in two newspapers published in the city ; and at least two of the wardens shall be present at such sale, and shall certify to the truth of the account of sales of the auctioneer by whom such damaged goods shall be sold ; and for such attendance and certificate shall be entitled to the sum of ten dollars.

Not to be interested in any pilot boat, or with any branch pilot.

SEC. 4. That neither the master nor any of the wardens aforesaid shall be concerned, directly or indirectly, in any pilot-boat or with any branch pilot in respect to the business of his trust.

Fees in certain cases.

SEC. 5. That whenever goods and merchandise, damaged on board of vessels arriving from sea, belong to different proprietors, but are addressed to the same consignee, it shall be lawful for the wardens who shall have inspected the same, and ordered and attended the sale of such damaged goods at auction, to demand and receive distinct fees for such property so surveyed and sold, provided the consignee shall require different sets of certificates for each.

Additional fees.

SEC. 6. That in addition to the fees allowed to the master and wardens, they shall be entitled to demand and receive for each vessel arriving in the port of New Orleans from sea, the sum of five dollars, whether they be called upon to perform any services or not ; which sum they shall be entitled to demand of the captain, owner, or consignee of every such vessel ; and in case of failure or refusal to pay the same, they shall have the right to proceed for the recovery of the same against the said vessel, before any justice of the peace or other competent tribunal.

Deputies.

Oath to be taken by them.

SEC. 7. That the wardens of the port of New Orleans may appoint deputies and clerks, but the deputies and clerks shall take the oath prescribed by article ninety of the Constitution, and shall be sworn truly and faithfully to perform the duties imposed on the wardens of the port of New Orleans ; and the said wardens shall be responsible for the acts of their deputies.

Certain laws repealed.

SEC. 8. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 489.

DECISIONS OF SUPREME COURT.

The port wardens of New Orleans are not entitled to the exclusive collection of the pilotage due to pilots.—3 M. R. 125.

The port wardens are by law constituted sole judges of the necessity, which requires damaged goods to be sold at auction.—6 N. S. 61.

The fees allowed to the master and wardens by the act of 17th February 1821, are at least when the services for which they are claimed, have been rendered, not inconsistent with the Constitution of the United States, nor with the act of Congress of 1812, admitting Louisiana into the Union.—10 R. R. 459.

The offices of harbor-master and port-wardens of the port of New Orleans, were organized by the act of March 31st, 1805. By an act of 8th March 1841, the first section of that act and all other acts providing for the office of harbor master, were repealed so far as they related to the creation of said office; but the rest of the act of 1805, remained in force. It provided for the police of the port, and for the appointment of a harbor master, port wardens and pilots; assigning to them such duties as were properly to be exercised under the local territorial authority. It received the sanction of the Congress of the United States, and must be considered as having the authority of a law of the United States. We take section 11 to mean, that the master and wardens have the sole right to order and direct the sale of damaged goods by public auction in the case provided in that section; that is, when called upon by the person commanding any ship or vessel arriving from sea. This construction gives us a wise law, one strictly constitutional and necessary in a sea port for the protection and guide of masters of ships. The statute presents solely a matter of contract; neither a tax, a toll, nor an impost of any kind or nature whatsoever purports to be imposed or is in contestation between the parties, etc.—6 Ann. 389. *

The principal object for which the intervention of port wardens seems to be considered requisite, is to determine when there exists a necessity for a sale, but when that fact is once established, the actual sale is always made at public auction.—10 Ann. 796.

MAYOR.

No. 485. From and after the 16th of June, 1856, the salary of the mayor of the city of New Orleans shall be five thousand dollars per annum. His salary.

City Ordinance, No. 2828.

No. 486. That the mayor be requested hereafter to send certified copies of all ordinances and resolutions passed by the common council to the parties to whom they relate. Copies of ordinances.

City Ordinance, No. 416.

No. 487. That the mayor be and he is authorized to have a "seal" ordered for the city of New Orleans so as to enable him

to furnish copies of documents to the city attorney and the several courts.

City Ordinance, No. 101.

For salaries of his clerks, see No. 748.

For his duties relative to Bakeries and Bread, see page 13.

"	"	"	Balls and public Exhibitions, see page 15.
"	"	"	Bond and Sureties, No. 73.
"	"	"	Buildings, numbering of houses, etc., page 27.
"	"	"	Cemetery and Interments, see No. 126.
"	"	"	Coffee House, see page 44.
"	"	"	Common council, see page 50.
"	"	"	Fires and their prevention, see page 92.
"	"	"	Ground rents, see No. 490.
"	"	"	Lewd Women, No. 403.
"	"	"	Offences and nuisances, 549, etc.
"	"	"	Police department, No. 568, etc.
"	"	"	Powder, No. 353.
"	"	"	Vehicles, No. 893, etc.

ACTS OF THE LEGISLATURE.

Qualifications of mayor.	SEC. 26. That the mayor shall be at least thirty years of age, ten years a citizen of the State and five years a citizen of the city; and shall have the qualifications required for the members of the House of Representatives of the State; he shall keep his office in the city hall; he shall have a seal, to be called the seal of the city of New Orleans, which shall be affixed to all proper official acts of the corporation; he shall see that the laws and ordinances, within the limits of the city of New Orleans, be properly executed; he shall be, ex-officio, justice and conservator of the peace; shall appoint police officers, policemen and watchmen under the ordinances of the common council organizing the same, and discharge the same at pleasure; and in case of discharging any officer of police, he shall communicate the fact of such discharge to the common council at their first meeting after such discharge; he shall alone control and make regulations for the police officers, policemen and watchmen; he shall call meetings of the common council whenever he shall deem the same necessary, or whenever five members of either branch of the said common council may request him in writing to do so; he shall also appoint one inspector of elections at each precinct of the city of New Orleans; he shall from time to time lay before the common council a full statement of the condition of the affairs of the city; it shall be his duty to report to the common council all officers and persons employed by the city who fail to perform their duty, or commit any act for which they should be impeached or removed from office. The mayor shall receive an annual salary of not less than four thousand dollars nor more than five thousand dollars. No fee shall be allowed to him for his own use and benefit, upon any pretence whatever; and he shall render a monthly account, and pay into the city treasury, all sums which he may receive for dues or fees of any description.—Acts of 1856, p. 141.
Duties of the mayor.	
Salary of the mayor.	
Fees, how disposed of.	

SEC. 27. That all ordinances and resolutions, after having been passed by both boards of the common council, shall be transmitted to the mayor for his consideration, who, if he shall approve thereof, shall sign and publish the same, and such ordinances and resolutions shall thereupon have the force of law. But if the said mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall, within five days from the time he received it, return the same to the board in which it originated, with his objections in writing, and if two thirds of the members elect to each board shall adhere to said ordinance or resolution, notwithstanding said objections; then, and not otherwise, the said ordinance or resolution shall after publication thereof, have the force of law; provided, always, that if the said mayor shall not return any ordinance or resolution, transmitted to him as aforesaid by said common council, within five days after it shall have been received by him, then he shall be deemed to have approved the same and it shall have the same force and effect as if approved and signed by him.—Acts of 1856, p. 142.

Veto power of mayor.

Power of common council to pass ordinances and resolutions notwithstanding objections of the mayor.

SEC. 10. That the qualification of voters for mayor, recorders, aldermen and assistant aldermen shall be the same as are prescribed by the constitution of the State for the election of Representatives in the general assembly of the State.—Acts of 1856, p. 138.

Qualification of voters.

SEC. 15. That whenever a vacancy shall occur, by death or otherwise in the office of mayor or recorder, it shall be the duty of the boards of aldermen and assistant aldermen, in joint meeting, to elect *viva voce* a person qualified to serve in the office so vacated, who shall continue in office till the Monday succeeding the next city election, and until his successor shall have been duly elected and qualified; and in case of the sickness or temporary absence of the mayor, the president of the board of aldermen shall act during said sickness or temporary absence as mayor pro tempore.—Acts of 1856, p. 139.

Vacancy in office of mayor provided for.

Mayor pro tempore.

See Acts of 1856, p. 138, sect. 13.

DECISIONS OF THE SUPREME COURT.

The mayor of New Orleans being entrusted, for the common benefit of all the corporators, with power to see the charter faithfully executed, has a right to institute suit, to enjoin the execution by any of the Municipalities of laws or resolutions contrary to the charter, and to test their legality.—13 La. 548.

The mayor of New Orleans may order the demolition of works and buildings which tend to interrupt, embarrass or impede the use of the banks of the river, for a passage or public way.—3 La. 563, 1 Martin 187.

NEGRO TRADERS.—See SLAVE MARTS, No. 774, etc.

NEW ORLEANS.

City seal.

No. 488. That the mayor be, and he is hereby, authorized to have "a seal" ordered for the city of New Orleans, so as to enable him to furnish copies of documents to the city attorney and the several courts.

City Ordinance, No. 101.

Urban portion of the city.

No. 489. That the portions of the city comprised within the following limits, be declared as urban :

Following the upper line of the city to the centre of the Metairie road ; following the Metairie road to the bayou St. John; following the centre of bayou St. John to canal Marigny ; following the centre of canal Marigny to Elysian fields and Florida avenue ; thence through the centre of Florida avenue to canal Des Pecheurs, and up this canal to the river.

City Ordinance, No. 479.

Ground rents due city.

No. 490. (1.) That all persons holding property within the city of New Orleans, subject to ground rent, payable to the city at the rate of six per cent. per annum upon the capital debt secured by said property, be and they are hereby permitted to release themselves from such ground rent by full payment of the same and of the capital thereof into the treasury.

(2.) That the mayor be authorized to raise any mortgage held by the city upon property as above described upon the exhibition of the city treasurer's receipt or certificate showing that the payment required by the foregoing resolution has been made.

City Ordinance, No. 643. See Nos. 229 and 230.

City property unknown.

No. 491. *Whereas*, It is supposed that there is at the present time a large amount of real estate and other property within the limits of the city of New Orleans, which in fact belongs to the corporation, but of which there is no record on the books of the city, and it is further believed that if proper steps are taken the same may be ascertained and made available ; therefore, be it

Five per cent. for discovery, etc.

(1.) *Resolved*, That a commission of five per cent. on the value of any real estate or other property, shall be paid to any person who shall report to the council the location and description of such property ; provided the same be non-recorded in the books of the city.

(2.) That the above said commission of five per cent. shall not be considered as due to the informer until a full proof of valid title to the city shall have been fully established by law.

City Ordinance, No. 2270. See No. 230.

No. 492. That all resolutions of the three Municipalities of New Orleans, and of the late city of Lafayette and of the consolidated city of New Orleans, approved prior to the first of January 1855, appropriating moneys, are hereby repealed, provided that nothing herein contained be construed to impair the validity of contracts entered into by the city. Repeal of old ordinances.

City Ordinance, No 1986. Approved Feb. 7, 1855.

For Powers of Common Council, see page 50.

For consolidated City Debt, see page 66.

For Assessment Districts, etc., see page 22.

STATE CONSTITUTION.

ART. 124. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders, aldermen and assistant aldermen shall be commissioned by the governor as justices of the peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offenses, and as the police and good order of said city may require.

ART. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-seven, and the result produced by this provision shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts, having a population the nearest possible to the number entitling a district to a senator; and if, in the apportionment to be made, a parish or district fall short of or exceed the ratio one-fifth, then a district may be formed having not more than two senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the eighth article, the Legislature shall not pass any law until an apportionment of representation in both houses of the generally assembly be made.

ACTS OF THE LEGISLATURE,

An Act to consolidate the city of New Orleans, and provide for the government and administration of its affairs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That all that portion of the parish of Orleans, situated on the left bank of the river Mississippi, shall be the city of New Orleans, and that all the free white inhabitants thereof shall be a body corporate by the name of the "city

A portion of the parish of Orleans incorporated as the city of New Orleans.

Powers of said corporation.

of New Orleans," and by that name they and their successors shall be known in law, and shall be capable of suing and being sued, and of procecuting and defending in all courts and in all actions and matters whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name they shall be capable of holding and conveying any estate, real or personal, for the use of said corporation, under the restrictions and limitations hereafter set forth.—Acts of 1852, p. 42.

An Act extending the laws relative to the city of New Orleans over its present limits.

Laws relative to New Orleans extended through-out its present limits.

Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That all laws now in force relative to the incorporation of the city of New Orleans, and to the duties of all officers, both state and municipal, shall be in force and effect throughout the whole limits of said city as fixed by the Constitution, as if the same had been passed to operate within the said city as now constituted.—Acts of 1853, p. 154.

For division into wards, see Acts of 1852, page 42, sect. 2, and page 55, sect. 2.

Rights, etc., of the municipalities, etc., vested in the city, see Acts of 1852, page 52, sect. 36.

Rights, etc., of Lafayette, etc, vested in the city, see Acts of 1852, page 56, sect. 6.

An Act to limit the Indebtedness of the city of New Orleans.

Council prohibited from increasing the amount of the indebtedness of the city.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall not hereafter be lawful for the council of the city of New Orleans to authorize any increase of the amount of the present indebtedness of said city.

When said indebtedness shall be reduced to \$12,000,000, it shall not be lawful to increase it in any manner.

SEC. 2. That after the total indebtedness of said city shall have been reduced, under the operations of existing laws, to the amount of twelve millions of dollars, it shall not be lawful for the city council to authorize any increase of said indebtedness beyond the sum herein specified, whether the said debt be in the form of bonds, loans, contracts, or engagements under any ordinance, resolution or other act.—Acts of 1855. page 228.

An Act making Municipal Corporations liable for damages done to property by mobs and riotous assemblages.

Corporations rendered liable for damages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the different municipal corporations in this State shall be liable for the damages done to property by mobs or riotous assemblages in their respective limits.—Acts of 1855, p. 45.

Can subscribe to stock, etc., Acts of 1855, p. 12.

SEC. 42. That the common council of New Orleans shall have power to require bond and security from all persons holding any office of trust or emolument in the city administration, for such sum as they may deem proper, not exceeding ten thousand dollars.—Acts of 1852, p. 55.

Bonds which the corporation of the city may require.

For Municipal Corporations generally, see Acts of 1855, p. 325.

For first act of Incorporation of the city, see Acts of 1805, p. 44.

For Act dividing the city into three municipal corporations, see Acts of 1836, p. 28.

For Acts consolidating the same, see Acts of 1852, p. 42; Acts of 1850, p. 156.

For Acts annexing Lafayette, see Acts of 1852, p. 55.

For New Charter, see Acts of 1856, p. 136.

For history of the city, see "Introduction."

DECISIONS OF SUPREME COURT.

1.—The incorporated limits of the city of New Orleans terminate at the water's edge, and include no part of the river.—5 La. 460, 17 La. 573.

2.—Milneburg on Lake Pontchartrain is considered to be within the incorporated limits of New Orleans, and subject to city ordinances and police regulations.—13 La. 70.

3.—When the act of incorporation does not expressly include the inhabitants of a certain place within the city limits, yet if they considered themselves residents within the limits of the city and enjoyed the rights of other residents of the city, this will be regarded as a practical interpretation of the law and as including and subjecting them to the police regulations.—13 La. 70.

4.—The plan of a portion of the faubourg St. Mary drawn on the first of April 1788, by L. Trudeau, is the earliest plan of the faubourg known to exist.—19 La. 62.

5.—The territory of the city of New Orleans was composed, at the time of its incorporation of urban and rural property, the latter being by far the most extensive.—2 Ann. 611.

6.—The city of New Orleans was founded by Governor Bienville, about the year 1718. A copy of a plan which the city has obtained from the minister of marine and colonies in France, made by engineer De Lassas in 1726, exhibits the city of that period and its environs. The first concession of land below the city was more than half a mile distance and all the intervening space was marked as commons of the city. It was fortified at its foundation and an esplanade was left outside for the use of the fortifications. By Depanger's plan (made May 29, 1724,) it will be seen that the city was at that period laid off into parallelograms down to Barracks street and the barracks were situated at the corner of that street and the levee. The fortifications were maintained and enlarged from time to time until the treaty of peace between France and Great Britain in 1763, when the province was ceded to Spain. In

1794, baron Carondelet surrounded the city with new fortifications in which he was aided by Larcrau Trudeau, the surveyor general of the province.—5 Ann. p. 724.

7.—The city council possess the power to remove as nuisances, buildings, etc., which encroach on the line of the street, and to regulate the public ways and maintain order and safety thereon, and to demolish works which tend to interrupt, embarrass or impede the use of the banks of the river or public grounds and squares.—1 Martin 87; 4 Martin 10; 3 La. 563; Ann. 34.

8.—The corporation of New Orleans possess full power to make by-laws to maintain the cleanliness and salubrity of the city, and may abate nuisances, as a private hospital; and it would require a strong case to induce the court to interfere with its exercise.—5 N. S. 409; 5 Ann. 747; 10 Ann. 227.

9.—The corporation are authorized to prohibit the sale of oysters in the city, except at certain designated stands.—2 La. 219.

10.—Ordinances of the city council directing sales of all property remaining on the levee a longer term than is authorized by the police regulations, is unconstitutional and void; so is the statute of 1834, authorizing the council to pass such ordinances. The corporation possess the power to remove encumbrances from the levee streets, etc., at the expense of the owner.—4 La. 97; 4 La. 98; 15 La. 129.

11.—The corporation is the administrator of the use of the banks of the river, and of the batture outside of the levee, for the general convenience and the great objects of public utility, and must necessarily possess all the powers and authority requisite to effect those objects; it has a right to all the advantages it may produce and can make banks and improvements to increase the revenues. It has not only the right to use the earth taken from the batture, in the construction of wharves, embankments and levees, but also for the purpose of improving the port and streets and avenues leading to it.—18 La. 278.

12.—A purchase of real estate by the corporation, with a view to divide it into lots and streets, and to resell the same for the purpose of improving the cleanliness and salubrity of the city and the convenience of the streets, is legal.—2 R. R. 491.

13.—The erection of wharves at such places as commerce may require, is a legitimate exercise of municipal power.—6 R. R. 349.

14.—The municipal authorities are bound to preserve unobstructed for public use, the streets of the city and the banks of the river, and though they may tolerate, temporarily, works not deemed injurious to the rights of the public, no permission of a council can prevent a subsequent council from putting an end to such toleration.—6 R. R. 349.

15.—Corporations are responsible for exercising, through their offices, in an unskillful and improper manner, powers vested in them by their charter.—5 Ann. 660.

16.—Laws enacted under the State constitutions, establishing and regulating the municipal rights and power of New Orleans, are not

contracts, but ordinary acts of legislation. The powers they confer are not franchises, in the original meaning of that word, but mandates only; and these laws may be repealed at pleasure, except so far as their repeal may affect rights acquired by third persons under them. They must be construed and applied in all cases, like other laws.—1 Ann. 162; 5 Ann. 664.

17.—The city of New Orleans is made, by the constitution of the State, one of the permanent functionaries of government; and the laws by which it is organized are eminently laws for the perservation of public order, from the force and obligation of which individuals cannot derogate by their conventions.—1 Ann. 435; 3 Ann. 313; 5 Ann. 664.

18.—New Orleans has not all the powers which belonged to the city under the French government of Louisiana, nor those of the cabildo under the Spanish government. Since the legislation in our codes on the subject of corporations, the express delegation in the act of 1805, organizing the city government, the radical change in our political system by the transfer of Louisiana from the French republic to the United States, the repeal of the laws of Spain in 1828, and our own settled jurisprudence in relation to the political corporations of the State, it is useless to look for our municipal powers elsewhere than in our code, legislation and jurisprudence.—3 Ann. 294.

19.—The first section of the act of 1805, restricting the right of the corporation of New Orleans to hold real estate to such as is situated within the limits of the city, does not include slaves.—2 Ann. 397.

20.—The statute of February 17, 1805, confers, in general terms, powers of administration, and, by its various special delegations of authority, excludes the idea of any other power being granted than such as is required by the police and preservation of good order among the population.—3 Ann. 294.

21.—The word "canals" in the 16th section of the statute of February 17, 1805, authorizing the "mayor and city council of New Orleans to cause common sewers, drains, canals, pavements and bridges to be built and constructed in every part of the city," means canals for draining and not for navigation.—3 Ann. 294.

22.—The power to relieve the indigent sick and to provide for the poor who are unable to labor, is conferred on the municipal authority of New Orleans by act of March 14, sec. 1 and 17; February, 1821, sec. 2.—4 Ann. 42.

23.—The council is the sole judge of the validity of the election of its members, and the law giving the council this exclusive power is not unconstitutional.—7 N. S. 1.

24.—The council are authorized to establish by ordinance a uniform rate of wharfage, to be paid by ships, steamers and other vessels moored in front of any part of the city.—2 Ann. 538.

25.—Whatever effect the by-laws and ordinances of a municipal council may have, they are not laws passed by the legislature of a State, and

they are not to receive the same strict scrutiny as penal statutes, where they inflict fines as penalties for their contravention.

Section 4 of the act of March 14, 1816, which provides that "neither the mayor, recorder nor any aldermen then in office, shall be allowed, in his own name, or through the medium of others, to become a lessee or bidder for any branch of the revenues of the city" etc., cannot be considered as prohibiting such persons from leasing any lot of ground or other property, not forming an entire branch of the revenue of the city.—3 R. R. 368.

26.—The act of May 4, 1847, to provide for the payment of the debts of the Municipality of New Orleans, gave a certain destination to the sinking fund, by which vested rights were acquired that could not, under act 109 of the constitution, be divested by a subsequent act of the legislature. The act of March 20, 1850, providing for the liquidation of the city debt, gave a different destination to the sinking fund, and is consequently unconstitutional.—6 Ann. 21.

27.—Our laws secure the public use of the banks of navigable rivers, and within the incorporated limits of towns, the municipal government is authorized to regulate that use; but their regulations must be in furtherance of the public use to what the banks are subjected, and cannot be taken advantage for the purpose of forever enjoying the property of the riparian proprietor, which is not necessary for future use.—6 Ann. 450.

28.—The public have the right to use the banks of navigable rivers, but this right does not authorize the permanent location of a dry dock in front of the land owned by another person.—6 Ann. 450.

29.—The right to establish public places and to charge their destination, is an attribute of sovereignty which the legislature may delegate to corporations. The legislature of Louisiana has delegated this power to the city of New Orleans, without reservation; under the grant it is competent for the city government to accept a dedication of public streets and equally competent for it to annul the acceptance before the streets have been opened, provided no vested right, acquired under the dedication, is affected by the change.—7 Ann. 270; 8 Ann. 145.

30.—Towns and cities may be projected, and streets, public squares, and roads may be laid out on plans; but so long as the ground remains enclosed and no portion of it is sold with reference to those plans, and no express dedication is made and accepted by the proper authority, the right of the owner to the soil which those streets, public squares and roads cover, is not affected thereby. When neither the dedication nor the acceptance are express, the rights on behalf of the public must be supported by long continued usage.—7 Ann. 233; 9 Ann. 597; 10 Ann. 81.

31.—In relation to public places and streets within this city, the municipal authorities represent not only the corporations but also the public; a final judgment against them is a judgment against the public, and no individual can bring the point adjudicated again before the courts.—7 Ann. 498.

32.—The municipal authority of the city has no power to impose a penalty, on that which the law of the State has made punishable as an offense.—7 Ann. 651.

33.—Municipal corporations are expressly authorized to receive legacies by the Civil Code, (Art. 423.) and by the whole course of legislation on the subject.—8 Ann. 170.

34.—Under the successive Constitutions of Louisiana, the city of New Orleans and its officers have been made permanent functionaries of government for all purposes of police and good order, and for the punishment of minor crimes and offenses. The police and good order of a city include the education of youth, and the care of the poor within its limits.—8 Ann. 171.

35.—It may well be doubted whether a servitude of prospect can be established in our modern cities, where the squares are contiguous and no open space save the streets and public squares, are habitually left, except, perhaps, in the case of adjoining lots. The right of perpetual front on the river is a new and unusual servitude, which, even if established by the title, would not be recognized.—8 Ann. 145.

36.—The mayor and aldermen, etc., of New Orleans are fully empowered to enact ordinances and adopt measures of police for preserving the health and promoting the comfort, convenience and general welfare of the inhabitants.—10 Ann. 227.

37.—A resolution of the common council, directing a city officer to abate a particular nuisance under a general ordinance, is legal, and cannot be assimilated to an ordinance inflicting a fine or penalty upon a particular individual.—10 Ann. 227.

38.—The statute of 18th March, 1850, creating a distinction between urban and rural property, in preparing the budget of receipts and expenditures of the city of New Orleans, is repealed by the consolidation act of 1852.—10 Ann. 454.

39.—A cemetery is an indispensable part of every city or town, and wherever situated, must be in the neighborhood of private property. Such cemetery is not a nuisance because it depreciates the marketable value of the property in its neighborhood.—11 Ann. 244; 10 Ann. 431.

40.—The several acts of the Legislature giving to the city police powers over the batture, were never intended to disturb the rights of property; and had such been the objects of the statutes, they would, to that extent have been nullities.—11 Ann. 148.

For decisions relative to Batture, see page 19.

“ “ Master and Wardens, page 158.

“ “ Taxes and Licenses, see “Revenue.”

“ “ Stretes, Pavements, Levees, etc., see “Streets.”

See also “Ordinances,” “Pounds,” “Wharves,” etc.

NOTARY—CITY, AND NOTARIES PUBLIC.

Election of notary, fees, etc.

No. 493. (1.) From and after the passage of this ordinance, there shall be elected annually, by the common council of the city of New Orleans, on the third Tuesday of May, a notary public, before whom shall be passed and executed all contracts, agreements, deeds of sale and purchase, and all other authentic acts to which the city of New Orleans may be a party, or have any interest therein; and whose compensation shall be the fees established by law, said fees to be paid by the parties contracting with the said city of New Orleans.

(2.) That on the Tuesday following the final passage and publication of this ordinance, a notary public shall be elected to serve until the third Tuesday of May, eighteen hundred and fifty-three.

City Ordinance, No. 73.

His duty as to purchasers of contracts.

No. 494. From and after the passage of this resolution, it shall be the duty of the city notary, upon the promulgation of all resolutions approving the adjudications of contracts, to notify the parties thereof through the post office, and within ten days thereafter if the contractors and securities have not signed their contracts, it shall become his duty to inform the city comptroller thereof, and after five days notice in the official journal, proceed immediately to a new sale, the amount deposited by the previous contractor being forfeited in favor of the city.

City Ordinance, No. 1696.

See Contracts, page 70.

See Bonds, page 24.

ACTS OF THE LEGISLATURE.

An Act relative to Notaries in New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened.* That it shall be the duty of the notaries in New Orleans to cause every deed of sale, donation, or any other sort of conveyance of real estate or slaves, passed before them respectively, even when the parties shall agree to dispense therewith, to be registered at the office of the register of conveyances for New Orleans, within forty-eight hours after the passage of said acts, and this under the penalty of five hundred dollars fine, to be recovered before any court of competent jurisdiction, for the use and profit of the Charity Hospital, and also under the penalty of being liable for all damages which the parties may suffer through the neglect of said notary to register the said acts.

Duty of notaries to have conveyances recorded.

SEC. 2. That the governor shall not appoint or commission any notary public in or for the parish and city of New Orleans who shall fail to furnish him with a certificate from the judges of the Supreme court, certifying to the qualifications requisite to perform the duties of said office. That all notaries public in the parish of Orleans shall give bond with security in the sum of ten thousand dollars for the faithful discharge of the duties of his office.

Certificate to be furnished by judges of Supreme court.

Bond to be furnished by notaries.

SEC. 3. That it shall be the duty of said register of conveyances to affix to the act, to be enregistered, a certificate that he has enregistered the same.

Certificate to be granted by register of conveyances.

SEC. 4. That hereafter neither the Sheriff nor the notaries of the parish of Orleans shall pass or execute any act for the sale, transfer or exchange of any real estate situated within said parish, unless the State, parish and municipal taxes due on the same be first paid, to be shown by the tax collector's receipt, or certificate to that purpose.

Act of sale of property not to be passed unless all taxes due thereon have been paid.

SEC. 5. That the sheriff or notary public violating the provisions of the preceding section shall, upon conviction thereof, be fined in a sum of not less than fifty nor more than two hundred dollars for each violation, to be recovered by the district attorney, for the use of the schools of the parish of Orleans, before any competent tribunal.

Penalty for violation of preceding section.

SEC. 6. That it shall be lawful for each and every notary public in New Orleans to appoint one or more deputies to assist him in the making of protests and delivery of notices of protests of bills of exchange and promissory notes; provided that each notary shall be personally responsible for the acts of each deputy employed by him. Each deputy shall take an oath faithfully to perform his duties as such. The certificate of notice of protest shall state by whom made or served.

Deputies.

Oath to be taken by them. Relative to notices of protest.

SEC. 7. That all laws contrary to the provisions of this act and all laws upon the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 320.

Certain laws repealed.

SEC. 19. That every notary public, recorder of mortgages, and parish recorder acting as notary public or recorder of mortgages, in this State, shall be entitled to demand and receive the following fees of office, and no more, to wit :

Fees of notaries and recorders.

For writing original acts of any kind, including recording the same, for every hundred words, twenty five cents.

For every necessary seal and certificate to every notarial act, seventy-five cents.

For making copies of all official documents, ten cents for every hundred words.

For seal and certificate to any copy, fifty cents.

For proving up an act under private signature, fifty cents.

For recording an act under private signature, ten cents for every hundred words.

For certificate of record and seal to an act under private signature, fifty cents.

For recording acts under private signature, which have been proved

up otherwise than before the parish recorder or notary, ten cents for every hundred words.

For certificate of mortgage with seal, one dollar, and for every hundred words after the first hundred, twenty cents.

For canceling a mortgage, one dollar.

The parties to a notarial act may, by written clause in the act, dispense with the certificate of mortgage required by article three thousand three hundred and twenty-eight of the Civil Code, and the notary or parish recorder shall not in such case be entitled to charge for such certificate.

For fixing seal and effects of intestates, two dollars.

For removing the same, with proces verbal, one dollar.

For swearing each appraiser or expert, twenty-five cents.—Acts of 1856, p. 168.

See also Acts of 1855, page 322.

OFFENSES AND NUISANCES.

An Ordinance relative to offenses and nuisances.

Defacing build-
ings, etc.

No. 495. ART. 1.—(1.) No person shall deface any building or buildings, fence, sign or other private property in the city, by cutting, breaking, daubing with paint, or in any other way defacing or injuring the same.

Door bells,
knockers, door
plates, etc.

No. 496. (2.) No person shall mischievously ring a door bell or use the knocker of any house or office or other place, or shall wantonly injure any door bell or knocker, or deface, or injure, or remove any door plate upon which the name of the resident is inscribed.

Posters.

No. 497. (3.) It shall not be lawful for any person to post up an advertisement or other paper whatsoever, on any private house or building, or wall, or fence, without the consent of the owner, or upon any public building or wall or fence.

Notices of
diseases, treat-
ment, etc.

No. 498. (4.) It shall not be lawful to post up, or have posted up or placarded in any public place, any hand-bill announcing the sale of medicine or the nature of the treatment for any kind of disease.

Firing of guns,
pistols, crackers,
etc.

No. 499. (5.) No person shall fire or discharge any gun, pistol, fowling piece, or fire arms, within the limits of the city, or set fire to, or discharge any rocket, cracker, squib or serpent, or shall throw any lighted rocket, cracker, squib or serpent, within the limits of the city, without the license of the common council, provided that nothing herein contained shall apply to military reviews or to the lawful use of weapons in self defense.

No. 500. (6.) It shall not be lawful for any person or persons to erect, or in any manner establish or continue any pistol or shooting gallery within the limits of the city of New Orleans, without having first obtained the consent of two-thirds of the persons residing within one square of the place where any pistol or shooting gallery is intended to be established, and the permission of the common council; and it shall be the duty of any person or persons so establishing such shooting gallery, to have the same so enclosed as to prevent the report of fire arms being heard in the street or streets on which the same may be located.

Shooting galleries.

No. 501. (7.) It shall not be lawful for any person or persons to beat a drum, or blow a horn, or sound a trumpet in any street or public place within the limits of the city. Provided, that this provision shall not apply to any militia or other procession, or to those cases in which auctioneers are permitted to beat drums.

Drums, horns, etc.

No. 502. (8.) It is unlawful to use indecent or vulgar language in any street, cemetery, public square, or levee, or other public place, or to commit any nuisance offensive to public decency, in any public place or in any open lot, or on or under any wharves.

Indecent language, nuisances, etc.

No. 503. (9.) It is unlawful to abuse, provoke, or disturb any person; to make charivari, or to appear masked or disguised in the streets, or in any public place.

Charivaris, masking, etc.

No. 504. (10.) No person on Mardi Gras, or at any other time, shall throw flour or any other substance on any person passing along the streets or any public place.

Throwing flour, etc.

No. 505. (11.) No person shall make a violent noise or create disturbance, or offense against public peace by intoxication or otherwise.

Disturbances, intoxication, etc.

No. 506. (12.) All persons are forbidden and are prohibited from throwing or depositing any offal, filth, manure, feculent matter, corrupt or putrid water or any shells, hay, straw, kitchen stuff, paper, cloth or any matter of any kind which may be offensive to the smell or injurious to the health, on any banquette, street, alley, wharf or any public place, or in any gutter, drain or canal, within the limits of the city. Provided, that ordinary kitchen offal may be deposited in tubs, boxes, barrels or baskets to be placed on the outside of the banquettes, convenient to be taken by the offal carts on each morning in the summer, at or before 8 o'clock, and in the winter at or before 9 o'clock.

Throwing offal, etc., in streets, etc.

No. 507. (13.) No person shall be allowed to keep or let remain within their yards or private alley, any of the articles or

Offal remaining in yards, etc.

things mentioned in the preceeding section, more than twenty-four hours.

Deposit of foetid matter, etc.

No. 508. (14.) It shall not be lawful for any person or persons to deposit in any part of the city except at the nuisance wharf, any manner of nuisance, manure, filth, offals or foetid matter of what nature soever, and the parties offending and the vehicle shall be arrested, and made subject to the fine hereinafter mentioned.

Obstructing gutters, etc.

No. 509. (15.) No person shall impede or obstruct the passage or flow of water of any gutter, ditch, pipe, or drain, in this city, or in any manner dam the same.

Taking earth from streets, etc.

No. 510. (16.) Every person who shall, without the consent of the street commissioner or surveyor, carry away, or cause to be carried away, any earth from any street, square, public square, public walk, or commons, shall pay the fine hereinafter stipulated.

See No. 66.

Riding horses on squares and certain streets.

No. 511. (17.) It shall not be lawful for any person or persons to ride on horse back, or to drive any horse or vehicle, or to turn out any cattle, or in any manner or shape to exercise the same in the centre of the following named streets — Canal, Basin, Rampart, Esplanade or Claiborne streets, St. Bernard avenue, or in Coliseum place, or in any public square.

Hitching horses or driving them on sidewalks.

No. 512. (18.) It shall not be lawful for any person to hitch or fasten any horse upon the sidewalk, or to hitch it in such a manner and at such place that it may get upon a sidewalk, or to ride or lead any horse over any sidewalk or banquette, except in taking the same to and from the place where it is kept.

Washing horses on pavement, etc.

No. 513. (19.) It shall be unlawful to wash horses or other animals on the sidewalks of the city, or in any other place that will incommode the public.

Shaking carpets, hanging clothes in public places, etc.

No. 514. (20.) It shall be unlawful for any person or persons to hang up on trees, posts or fences, or on lines suspended from either, or to spread upon the ground any articles of clothing or bedding for the purpose of drying, or to shake carpets on any public squares, streets, promenades or other public grounds belonging to or under the control of the city.

Sale of groceries in streets, etc.

No. 515. (21.) It shall not be lawful to sell or offer for sale any article of groceries, by retail, in the streets of the city, either in carts or otherwise.

Sale of vegetables, fish, game, etc.

No. 516. (22.) All vegetables, melons, potatoes, onions, fish, shrimps, crabs, crawfish, turtle and game, destined for the

daily supply of the city, shall be brought to the markets established by law for the sale thereof, and all persons exposing for sale any of said articles in the streets, or in other part than at said markets during market hours, shall be fined as hereinafter directed, and the said articles shall be seized and detained until payment of the penalty.

See No. 432.

No. 517. (23.) Every person is forbidden to sell oysters in this city from the first day of June until the first day of September. It shall not be lawful to sell them in any of the city markets or opened from pirogues or other crafts, or deposit them on the levee for sale, or to sell stale or bad oysters.

See No. 445.

No. 518. (24.) It is unlawful to form, heaps of oysters on the sidewalk or on the streets, or in other houses than those licensed to sell the same.

No. 519. (25.) Any person who shall strip naked for bathing, or show himself naked, or in any indecent apparel, or shall bathe during the day light, in the river Mississippi, or in either of the basins, or any where publicly within the limits of the city, shall be arrested and fined as hereinafter directed.

No. 520. (26.) It shall not be lawful for any person or persons to keep a hog or hogs within the limits of the first district between the river and Galvez street, nor within the second district between the river and Galvez street.

No. 521. (27.) No person shall keep or permit to run at large within the limits of the city, any dog which shall, by barking, biting, running after persons, howling, or in any other way or manner disturb the comfort or quiet of any person or persons whomsoever.

No. 522. (28.) No owner of any animal afflicted with the glanders or other contagious distemper, shall suffer the same to roam at large in any street, road, levee, or other public place whatever.

No. 523. (29.) All persons are prohibited from selling on any vessel or flat-boat any beer, cider, wine or spirituous liquors in quantity less than a barrel.

No. 524. (30.) Any person committing any of the offenses or violating any of the provisions hereinbefore named shall be fined not less than five nor more than twenty-five dollars, and if

the fine be not paid, he shall be imprisoned for a term not exceeding ten days.

Vitriol and aqua-
fortis.

No. 525. ART. 2.—(1.) No person or persons shall have, keep or possess within the limits of the city, any quantity of oil of vitriol and aquafortis, unless it be kept in a place approved by the mayor or surveyor, either under ground, in a vault, or in a stone or brick building.

Wild animals.

No. 526. (2.) No wild and ferocious animal shall be kept within the limits of the city, on the premises of individuals, or in maneries, unless such animal be under the charge of an armed guard, day and night.

Burial of dead
animals.

No. 527. (3.) Whenever any horse, mule, cow or other animal die in the city, it shall be the duty of the owner or keeper thereof, to bury or cause the same to be buried beyond the precincts of the city in a hole of sufficient depth; and all persons are forbidden to throw, deposite or leave in any street, high road or public square, or other public way, lot or ground whatever, or near the same, any dead animal or carrion, under the penalty hereinafter named; and the said offender shall, besides, be liable for the payment of the expenses incurred by conveying the said dead animal or carrion without the city, to be buried in the manner aforesaid. And this duty shall be performed without delay, under the direction of the street commissioner.

False alarm of
fire.

No. 528. (4.) No person shall without reasonable cause, make a false alarm of fire by outcry, ringing of bells or otherwise.

Filling lots, stag-
nant water, etc.

No. 529. (5.) No person shall suffer stagnant water to remain on his premises or in any lot owned by him, and any person who shall fail, after sixty days notice given to him by the street commissioner, to fill up his said lot or premises so as to cause the water to run off in the streets and not on the adjacent lots, shall be fined in the sums hereinafter mentioned.

Filling lots with
manure, etc.

No. 530. (6.) It shall be unlawful to fill up or partly fill up any lot with manure or other offensive or deleterious matter.

Penalties.

No. 531. (7.) Any person or persons committing any of the offenses or violating any of the provisions hereinbefore named in this article, shall be fined not less than ten nor more than fifty dollars, and in default of the payment of the penalty, he shall be imprisoned not exceeding thirty days.

Immoral exhibi-
tions, etc.

No. 532. ART.—(3.) No person shall exhibit or cause to be exhibited in this city, any bull or bear fight or pugilistic

contest, or make any immoral exhibition or form processions for the purpose of attending such exhibitions.

No. 533. (2.) No person shall keep a cock-pit, without Cock.pits. permission of the mayor, who may at any time revoke his permission and close the same if order be not preserved.

No. 534. (3.) It shall not be lawful for any person or Obscene papers, prints, pictures, etc. persons to expose, circulate, offer for sale, sell, or distribute within the limits of the city, any obscene, scandalous or libelous book, print, newspaper, pamphlet, circular, or periodical caricature, picture, drawing, statue or other object whatever, of any immoral or scandalous nature, or calculated to excite scandal, immorality or disturbance of the public peace or tranquility.

No. 535. (4.) No person shall break, deface or carry away Defacing, etc., city property, tombs, etc. any board or plate indicating the name of a street or the number of a house, or deface, cut or in any way wantonly injure any monument, public building, or any other object destined for public utility or decoration, or cut, damage or destroy any post, sidewalk or other work belonging to the city, or cut or destroy or damage the enclosures of any grave yard, tomb or monument, or damage the tombs or fences, or trees or shrubbery of any cemetery.

No. 536. (5.) No person shall sell, or offer for sale, or keep Spoiled provisions. exposed in any public place, any blown, stale, imperfect or unwholesome provision, or tainted meat or fish, or any animal which has died of disease, or any impure or unsound food whatever.

See No. 427.

No. 537. (6.) No person shall fraudulently adulterate for Adulteration of food and liquors, etc. the purpose of sale, any substance intended for food or any liquor intended for drink, or any drug or medicine with any substance, or in any manner injurious to health.

No. 538. (7.) No person, unless authorized by the mayor, Disintering bodies, etc. street commissioners, recorder, or coroner, shall wilfully dig up, disinter or carry away any human body, or the remains thereof, or shall knowingly aid in such disinterment, or carrying away, or shall be accessory thereto.

No. 539. (8.) All persons are forbidden to keep within the Keeping damaged provisions, etc. limits of the city or suburbs, any provisions that are spoiled or damaged, or any articles whatever that are in a state of putrefaction; all persons possessing such provisions or articles, must throw them or cause them to be thrown into the river.

No. 540. (9.) The mayor is authorized to prevent from being Landing of damaged provisions, etc. landed from any vessel, boat or craft, or from being introduced

into the city, damaged hides, peltry, salt provisions, or other damaged or infected articles, which may be injurious to the public health, and no person shall land, or bring into the city, any article calculated to injure the health of the city.

Using & storing
unwholesome
liquors & goods,
etc.

No. 541. (10.) No distiller, soap boiler, or chandler, or any other person, shall keep within the city, any foul, tainted or corrupted water or liquor, or shall store up tallow, grease, or other matter in a state of putrefaction, or shall make use of such water, liquor, tallow, grease, or other matter.

Offensive shops,
manufactories,
etc.

No. 542. (11.) Whenever any workshop, manufactory, laboratory, or other such establishment, situate within the city or suburbs, exhales foetid or offensive odors or vapors, it shall be the duty of the mayor to authorize the city physicians to carefully examine the premises, and the said physicians may, should it appear to them necessary, require the authority of the mayor to cause to be opened to them the doors of any such workshop, or any other establishment, as aforesaid, and should the said physicians be of opinion that the said odors or vapors are of such a nature as to vitiate the air, or to impair the salubrity, they shall make a report of the same in writing to the mayor, who shall cause a copy thereof to be served on every person concerned, together with a notice that he is required to discontinue all works or operations noxious to the public salubrity, within the term that he shall limit in the order given by him for that purpose. And, at the expiration of such term, every person who shall not have complied with the said injunction of the mayor, shall pay a fine hereinafter named, and moreover a fine of fifty dollars for every month that he shall refuse or neglect to comply with the same.

Structure of privies,
etc.

No. 543. (12.) Every privy shall be at least three feet deep, built of bricks laid in cement from at least one foot below the surface and raised at least one foot above the surface of the ground, and shall be so situated as not to have an issue on the street or public way, and said privy shall not be placed within three feet of any public street or highway.

See Civil Code, Art. 691.

Privies.

No. 544. (13.) Whenever any vault of a privy or hole, is filled up to within one foot of the level of the soil, or surface of the ground, with foetid or offensive matter, or whenever the street commissioner shall consider any privy in a situation injurious to the public health, the owner, tenant, or occupant

of the house, building, or lot, on which said privy may be found, shall cause the same to be emptied during the night, between the hours of 11½ o'clock, P. M., and 4 o'clock, A. M., and the feculent matter contained therein to be carried to the nuisance wharf, and thrown into the river.

No. 545. (14.) It shall not be lawful to convey through any street or other public way of the city, or any suburb, any closetool, tub, or other vessel, containing feculent matter, except during the night, between the hours of 11 P. M., and 4 A. M., and then only in a manner least offensive to public decency, and least injurious to public health; and permission must be previously obtained from the mayor or street commissioner.

Conveyance of
feculent matter,

No. 546. (15.) No proprietor, owner, or driver of a dray, cab, hack, or other vehicle whatever, shall use violence, or insulting language, or shall oppose an unlawful resistance to any of his passengers or employers, or to any citizen.

Drivers, etc., of
vehicles.

See No. 911.

No. 547. (16.) Any person committing any of the offenses, or violating any of the provisions herein before named in this Article, shall be fined not less than twenty dollars nor more than one hundred dollars, and in default of payment, shall be imprisoned, not exceeding thirty days.

Penalties.

No. 548. (ART. 4.) In every case where minors or slaves violate an ordinance, the parents or guardians of the minors, and the masters of the slaves and apprentices shall be responsible for the fine; and when such persons refuse to pay the fine, the minors shall be sent to the house of refuge, and the slaves shall be whipped—provided, no slave shall receive more than twenty-five lashes for any offense named in this ordinance.

Punishment of
offenses of minors
and slaves.

See No. 750, etc.

No. 549. (ART. 5.) In all cases in this ordinance, where an act or omission is declared unlawful, its continuance, after notice from the mayor or street commissioner, shall be deemed an additional offense, and the offender shall be fined not less than five, nor more than twenty-five dollars for every day he shall continue to violate the provisions of this ordinance.

Continuation of
offense and nuisance
after notice.

No. 550. (ART. 6.) It shall be the duty of all city officers to report and denounce, and it is the duty of the city attorney to prosecute persons charged with violations of this ordinance.

Duty of city officers.

Repealing clause. No. 551. (ART. 7.) All ordinances or parts of ordinances conflicting with the foregoing provisions, are hereby repealed.

City Ordinance, No. 3121. Approved Dec. 2, 1856.

For offenses relative to	Auction Sales, see page 6.
"	" Awnings, Sheds, etc., see page 11.
"	" Balls, and Public Exhibitions, see page 15.
"	" Basins and Canals, see page 32.
"	" Batture, see page 18.
"	" Bread, Bakery, see page 13.
"	" Buildings and Builders, see pages 26 and 27.
"	" Burials, and Burying Grounds, see page 35.
"	" Canals, see page 32.
"	" Chimneys, see page 41.
"	" Coffee Houses, see page 44.
"	" Cotton Presses, see page 84.
"	" Factories, etc., see page 80.
"	" Fences, see page 90.
"	" Fires, and their Prevention, see page 92.
"	" Fire Limits, see page 30.
"	" Flatboats, etc., see page 110.
"	" Forges, Foundries, Fire Engines, see page 113.
"	" Gun Powder, see page 114.
"	" Health, see page 120.
"	" Hotels, etc., see page 131.
"	" Lewd Women, see page 127, and Appendix.
"	" Markets, see page 146.
"	" Pounds, see No. 589, etc.
"	" Powder, see No. 347.
"	" Quarantine, see page 120.
"	" Quicklime, see No. 617, etc.
"	" Racing, and Fast Driving, see No. 903.
"	" Revenue, Taxes, Licenses, see No. 719, etc.
"	" Slaves, see No. 750, etc.
"	" Slave Marts, see No. 774, etc.
"	" Slaughter Houses, see No. 252, etc.
"	" Smoke Houses, see No. 779.
"	" Stables and Dairies, see No. 780, etc.
"	" Streets, etc., etc., see No. 814, etc.
"	" Tanneries, see No. 252.
"	" Taxes and Licenses, 719, etc.
"	" Trees, see No. 890.
"	" Vehicles, see No. 892, etc.
"	" Wharfingers, see No. 961, 962.
"	" Wharves, see No. 964, etc.
"	" Wooden Buildings, see No. 95, etc.

STATE CONSTITUTION.

ART. 124. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders, aldermen and assistant aldermen shall be commissioned by the governor as justices of the peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offenses, and as the police and good order of said city may require.

ACTS OF THE LEGISLATURE.

SEC. 19. (22.) The city shall have power to impose and collect fines for the benefit of the city treasury, against all persons transgressing their ordinances and regulations, and to imprison said transgressors in case of non-payment of said fines: Provided, that said fines shall never exceed one hundred dollars for each and every contravention; provided, said imprisonment shall never exceed one month.—Acts of 1850, p. 164.

Fines and imprisonment.

See Acts of 1816, page 94, sec. 2.

SEC. 7. That it shall also be their duty to superintend and enforce all laws of this State, and all laws of the city of New Orleans, for preventing and removing all nuisances whatsoever in or upon the levee of the city, within their respective districts.—Acts of 1855, p. 485.

Power to enforce the laws regulating the police of levees.

SEC. 108. That each and every violation of this act, or of any ordinance or resolution of the common council of the city of New Orleans, which shall subject the person so violating the same, to a fine or penalty, shall be reported by any officer of said city, or by any resident of said city, to the comptroller of said city; and said comptroller shall make out a bill for said fine or penalty, and shall note the same in a book kept for that purpose; and shall deliver said bills to the treasurer; and the same shall be charged to said treasurer on the books of the comptroller, as cash received by said treasurer, to be accounted for by him. Said treasurer shall deliver said bills to the assistant city attorney, and take said attorney's receipt therefor. And the assistant city attorney shall not bring suit for any fine or penalty incurred by any person or persons, as aforesaid, except upon a bill therefor, delivered to him by said treasurer.—Acts of 1856, p. 160.

All violations of this act, or of ordinances of the common council, subjecting parties to fine, to be reported to comptroller.

Said fines, how proceeded with.

SEC. 120. That all idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in groceries, taverns, beer houses, market places, sheds, barns, uninhabited buildings, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places, to beg or receive alms; habitual drunkards who shall abandon, neglect or refuse to aid in the support of their families, and who may be complained of by their families, shall be deemed vagrants.

Definition of vagrants.

SEC. 121. That it shall be the duty of any sheriff, constable, policeman, or other peace officer, whenever required by any person, to carry such vagrant before a justice of the peace of any parish, or before any one of the recorders of the city in which he shall be, for the purpose of examination; and if the justice or other officer be satisfied by the confession of the offender, or by competent testimony, that he is a vagrant within the description aforesaid, he shall make a certificate of the same, which shall be filed with the clerk of the court of the parish, and in the city of New Orleans the certificate shall be filed in the office of one of the recorders; and the justice or other officer shall issue a warrant to

Adult vagrants, how dealt with.

commit such vagrant, if in the city of New Orleans, to the workhouse of the city, for any time not exceeding six months; there to be kept at hard labor; or if such vagrant be a proper object of charity, to some place of refuge to be provided by the common council of the city; and if in any of the parishes, to the parish jail for not more than six months, and if such vagrant be a proper object of charity, to such place of refuge as shall be provided by the parochial authorities.

Juvenile vagrants, how treated.

SEC. 122. That if any child shall be found begging for alms or soliciting charity from door to door, or in any street, highway or public place, such child shall be deemed a vagrant, and any justice of the peace of the parish, or any one of the recorders or aldermen of the city of New Orleans, shall commit him to such place of refuge as may be provided by the parochial authorities, and if in the city of New Orleans, to the house of refuge of the city, and the child shall be there detained, kept, employed and instructed in such useful labor as he shall be able to perform, until discharged therefrom under the rules of the places of refuge, or bound out as an apprentice by the administrators of such places of refuge, or by the parochial authorities.

Who shall be reputed vagabonds and suspicious persons, and how they shall be dealt with.

SEC. 123. That all persons apprehended with any picklock or other instrument, with the probable intention to feloniously break and enter any dwelling house, or with any offensive weapon, with probable intention to feloniously assault any person, or who shall be found in any dwelling house, out-house, store yard or garden, with probable intent to steal, shall be reputed vagabonds and suspicious persons, and shall upon conviction be punished with imprisonment, with or without hard labor, not exceeding three months.

Second offense, how punished.

SEC. 124. That all persons who shall be convicted a second time of any of the offenses mentioned in the preceding section, shall be condemned to imprisonment at hard labor for not more than three years not less than six months.

Penalty for harboring vagrants.

SEC. 125. That all persons harboring vagrants or suspicious persons, knowing them to be such, shall upon conviction be fined in a sum not exceeding five hundred dollars nor less than one hundred dollars.—Acts of 1855, p. 149.

Penalty for cutting levees, etc., in New Orleans.

SEC. 109. That any person cutting, altering or breaking, without any authority, or aiding and abetting any person in the act of cutting, altering or breaking without proper authority, levees, canals, or other works made to protect the city of New Orleans from overflow, shall on conviction be condemned to suffer imprisonment for a term not exceeding ten years nor less than one year.

Carrying concealed weapons.

SEC. 115. That whoever shall carry a weapon or weapons concealed on or about his person, such as pistols, bowie-knife, dirk, or any other dangerous weapon, shall be liable to prosecution by indictment or presentment, and on conviction for the first offense shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisonment for one month; and for the second offense not less than five hundred dollars nor more than one thousand dollars, or imprisonment in the parish prison at the discretion of the court, not to exceed three months,

and that it shall be the duty of the judges of the district courts in this State to charge the grand jury specially as to this section.—Acts of 1855, p. 148.

SEC. 13. That whoever shall be guilty of assaulting and beating, wounding, short of maiming, or of falsely imprisoning any person, shall on conviction thereof, suffer a fine or imprisonment, or both at the discretion of the court. Assault and battery.
False imprisonment.

SEC. 14. That whoever shall be guilty of assaulting any free white person, shall suffer fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or both at the discretion of the court. Assault.

SEC. 16. That whoever shall be guilty of an affray, on conviction shall be punished by fine or imprisonment, or both, at the discretion of the court.—Acts of 1855, p. 131. Affray.

SEC. 31. That whoever shall wantonly or maliciously kill any horse, mule or jackass, or any beast of the cow or hog kind, or a dog, the property of another person, shall be fined in a sum not exceeding two hundred dollars, or imprisoned not exceeding six months, and shall pay to the owner the value of the animal killed. Malicious killing of certain animals.

SEC. 32. That whoever shall, wantonly or maliciously, cruelly beat, maim or disable any of the animals specified in the foregoing section, shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one month, and shall pay to the owner any damage he may sustain in consequence thereof.—Acts of 1855, p. 133. Beating or maiming animals.

SEC. 95. That whoever shall keep a banking game or banking house, at which money, or any thing representing money, or any article of value shall be bet or hazarded, or shall aid or assist in keeping one, shall, on conviction, for the first offense, be fined not less than one thousand, nor more than five thousand dollars; and on conviction of a second offense, not less than five thousand nor more than ten thousand dollars, and be imprisoned at hard labor for not less than one, nor more than five years. Banking games and banking houses.

SEC. 96. That the fines imposed by the preceding section, shall, when collected, be paid one half for the use of the parish in which the offense is committed, and the other half to the Charity hospital of New Orleans. Fines, how disposed of.

SEC. 97. That all persons engaged in gambling, where no current money is actually exhibited or employed, but where, in lieu thereof, pieces of bone or any other material or substance, being the representative of money, by virtue of any express or tacit understanding among the parties engaged in gambling, and all persons engaged in playing or betting for or against such game, shall be deemed and taken to be within the prohibitions of the preceding sections; and all persons engaged therein, shall be liable to all the penalties therein provided against gambling houses and banking games. Gambling with bones or other representatives of money.

SEC. 98. That it shall be lawful for any public officer, or other person, to arrest and take into custody any person keeping or playing any Persons offending, by whom may be arrested.

banking game, or aiding or assisting therein, together with all the tables, money, representatives of money, implements and other paraphernalia which may be used in keeping such banking houses, or in playing such banking game, and take, or cause them to be taken before any committing magistrate, who shall commit such persons for trial if upon a hearing there be sufficient cause therefor.

It shall be the duty of the officer committing such offenders, to take an inventory of all money, or its representative, tables or other implements, or paraphernalia, that may be seized and brought before him, all of which shall on conviction, be forfeited, one-half for the use of the charity hospital of New Orleans, the other half for the use of the parish in which the offense is committed.

Carrying concealed weapons.

SEC. 99. That when any officer has good reason to believe that any person has weapons concealed about him, on proof thereof being made to any justice of the peace, by the oath of one or more credible witnesses, it shall be the duty of such justice of the peace to issue a warrant against such offender, and have him searched, and should he be found with such weapons, to bind him over to keep the peace of the State, with such security as may appear necessary, for one year; and on his failing to give good and sufficient security, he shall commit such offender to prison for any time not exceeding twenty days. He shall also be bound to appear before the district court to answer the charge.

—Acts of 1855, p. 145 and 146.

See generally, Acts of 1855, p. 180, 393, 394, 368.

DECISIONS OF SUPREME COURT.

1.—The council have the power to remove, as nuisances, buildings which encroach on the line of the street, 1 M. 187; and to abate nuisances, such as sheds built upon the levee or public grounds, 4 M. 10; and remove private hospitals when they become nuisances, 5 N. S. 409; and to cut adrift crafts or otherwise remove them as nuisances, when they remain at a particular portion of the port longer than the time stipulated by ordinances, 8 N. S. 549; and to prohibit the sale of oysters except at certain stands, 2 La. 219; and to demolish works and buildings in certain cases when they are nuisances, 3 La. 563; N. S. 293; 6 R. R. 349.

2.—The power to abate nuisances is a portion of police authority necessarily vested in the corporations of all populous towns. A resolution of the council directing a city officer to abate a particular nuisance, under a general ordinance, is legal and cannot be assimilated to an ordinance inflicting a fine or penalty upon a particular individual. —10 Ann. 227.

3.—The city has the power of enacting ordinances to prevent nuisances and to provide for the preservation of public decency. —5 Ann. 747.

4.—The fine, which a municipal corporation is authorized to recover for the violation of its ordinances, is a penalty in the nature of liqui-

dated damages, and established, as such, in lieu of the damages which a court would be authorized to assess in place thereof.—4 Ann. 335.

5.—An ordinance directing a particular soap factory to be removed within a certain time, and imposing a fine on the parties in case of nonremoval, is illegal and cannot be enforced. The imposition of fines must be by ordinances of a general character, operation and effect.—3 Ann. 688.

6.—Any work or establishment which obstructs the free use, which inhabitants and strangers have a right to make, of public places, such as roads and banks of the river, is a nuisance and may be abated by the police authorities of the place.—4 M. 2; 3 La. 566; 6 R. R. 349.

7.—An injunction will lie at the suit of any proprietor, in a city, to restrain the erection of buildings by an individual on public places, 11 M. 620. An injunction will issue to compel the removal of an obstruction in a common way, 7 R. R. 442; and the burning of a kiln may be prevented by injunction.—2 Ann. 773.

8.—The municipal authority of the city, has no power to impose a penalty on that which the law of the State has made punishable as an offense.—7 Ann. 651.

9.—Individuals have the right to sue for the abatement of a nuisance.—10 Ann. 431; 2 Ann. 770; 11 M. 620.

10.—A cemetery is not necessarily a nuisance; special circumstances are requisite to make it such.—10 Ann. 431; 11 Ann. 244.

For other decisions, see "New Orleans," "Revenue," "Streets," "Wharves."

OFFICES AND OFFICERS.

No. 552. That the street commissioner and all the police officers of the city be, and they are hereby authorized and required to execute and enforce all orders and instructions that may be issued to them respectively by the board of health through its proper officers, in pursuance of the act of the legislature, approved 15th March 1855.

Instructions of
board of health.

City Ordinance, No. 2295.

No. 553. Whereas, by the several officers of the city reporting persons directly to the assistant attorney to be sued without

Reports of viola-
tions of ordi-
nances.

any general registry of said suits being kept, much confusion exists and is liable to arise—therefore,

Be it Resolved, That it shall be the duty of the commissioner on streets, and other officers of the city, instead of reporting persons for violation of the ordinances directly to the assistant attorney for suit, to report the same to the comptroller, specifying in said report the name and residence of the party, the offense, and the witness by whom it is to be proven.

That it shall be the duty of the comptroller to copy said report in a book prepared for that purpose, and as soon as this registry has been made, to send a copy of it to the assistant attorney, with instructions for him to take the necessary steps to see the ordinance enforced.

City Ordinance, No. 2365.

To report persons
without licences.

No. 554. It shall be the duty of all the officers of the city, and especially of the officers of the street commissioner's and police department, to report to the treasurer the names of all persons carrying on any trade or profession without having obtained a license therefor.

City Ordinance, No. 2324.

Duration of office

No. 555. All officers elected by the common council, whose term of office is not expressly provided for by law, shall hold their respective offices during the pleasure of the council.

City Ordinance, No. 2347.

Not to contract
for or purchase
materials.

No. 556. From and after the passage of this ordinance it shall not be lawful for any officer of this city, either to contract for the performance of any work, or to purchase material of any description whatever, unless a special resolution of the council be first passed, giving authority for making such purchases or entering into such contract, except in cases of emergency, which shall be reported to the mayor, who, on the report of estimates, etc., from the surveyor, shall authorize such contracts or expenditures to be made.

City Ordinance, No. 1494.

See No. 235.

Cab and carriage
hire.

No. 557. That all ordinances and resolutions which have been passed by either the late first, second or third municipalities, also the city of Lafayette, allowing public officers or city officers

to employ cabs or carriages or any vehicle for the use of the city or otherwise, be and the same are hereby repealed.

City Ordinance, No. 1955.

No officers shall insure etc., see No. 389.

For bonds and sureties to be given, see page 24.

Their duty relating to Offenses and Nuisances, see No. 559.

See "Salaries," No. 748.

*See "Mayor," "Comptroller," "Treasurer," etc.

STATE CONSTITUTION.

ART. 90. Members of the general assembly, and all officers before they enter upon the duties of their offices, shall take the following oath or affirmation:

"I, (A. B.) do solemnly swear (or affirm) that I will support the constitution of the United States and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided or assisted any person thus offending, so help me God."

ART. 92. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe, to procure his election or appointment.

ART. 93. Laws shall be made to exclude from office, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practice.

ART. 124. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration

*The following is a complete list of City Officers:—Mayor and Deputies; four Recorders and Deputies; four Assistant Recorders; one Treasurer and Deputies; one Comptroller and Deputies; one Street Commissioner and Deputies; one Surveyor and Deputies; a Board of Assessors, and a Board of Supervisors of Assessors; City Attorney; City Assistant Attorney; Wharfingers of 1st and 4th Districts; Wharfinger of 2d and 3d District; four Assistant Wharfingers; four Pound Keepers; two Secretaries of Council; Sergeant at Arms; City Porter; Sexton 4th District; Police Officers; Commissaries of Markets; Harbor Masters and Master and Wardens of the Port; School Directors and Teachers; Commissioners of Houses of Refuge and of the McDonough estate, and Officers of the Work House.

of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders, aldermen and assistant aldermen shall be commissioned by the governor as justices of the peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offenses, and as the police and good order of said city may require.

ART. 125. The Legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

See Constitution, Art. 126.

ACTS OF THE LEGISLATURE.

Executive power of the city. SEC. 6. That the executive power of the city of New Orleans shall be vested in one mayor, four recorders, one treasurer, one comptroller, one surveyor, one street commissioner, a board of assessors, and a board of supervisors of assessments, together with such other subordinate officers for preserving the peace and good order of said city as the said common council may deem necessary.

Qualifications of mayor, recorders, aldermen, and assistant aldermen. SEC. 7. That the qualifications of the mayor, recorders, aldermen and assistant aldermen shall be the same as are required for members of the house of representatives in the general assembly of the State, and said officers shall have attained the age of thirty years, and shall have been citizens of the State for ten years, and for five years resident of the city of New Orleans, and, with the exception of the recorders, shall be the owners of assessed taxable property to the amount of three thousand dollars in the city of New Orleans.

Time and manner of election of mayor, comptroller, street commissioner, recorders & aldermen. When officers shall enter on their duties. SEC. 8. That the election of mayor, comptroller and street commissioner shall take place every two years, on the first Monday of June. The election of recorders shall take place every two years, and of one class of the aldermen shall take place on the first Monday of June every year. The mayor, comptroller and street commissioner shall be elected by general ticket, the recorders by district ticket, and mayor, comptroller and street commissioner, recorders and aldermen, shall enter upon the duties of their office on the third Monday of June following their election. The recorders' districts shall be the same as provided by section second of this act.

Recorders' district. SEC. 10. That the qualification of voters for mayor, recorders, aldermen and assistant aldermen shall be the same as are prescribed by the constitution of the State for the election of representatives in the general assembly of the State.—Acts of 1856, pp. 137, 138.

Qualification of voters. SEC. 17. That the mayor and all other officers elected or appointed by virtue of this act shall, before they enter upon the duties of their said offices, respectively take and subscribe the oath prescribed by article ninety of the constitution of the State, and also the further oath that they possess the qualifications prescribed by this act; which oath shall be taken

Oath of office of mayor and other officers.

by the mayor before a judge or justice of the peace of New Orleans, and by the other officers respectively before the mayor.

Sec. 21. That no member of the common council shall hold any other employment or office under the government of New Orleans while he is a member of said council; and no member of the common council, or any officer of the corporation, shall be, directly or indirectly, interested in any work, business or contract, the expense or price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the common council; nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required.

Members of common council prevented from holding certain offices and from being interested as principal or surety in certain contracts.

Sec. 24. That the common council shall, in the month of July next, and every two years thereafter, elect, *viva voce*, in joint meeting, a treasurer, a surveyor, an attorney, and one assistant attorney; said officers shall enter upon their several offices on the first Monday of August following, and shall hold the same until their successors are qualified, provided that at the first election the comptroller shall be elected for only one year. The present comptroller, treasurer, street commissioner, surveyor, city attorney and assistant city attorney, shall hold over until the first Monday in July next, or until their successors are qualified.—Acts of 1856, pp. 140, 141.

Election of treasurer, surveyor, attorney and assistant attorney.

When they shall go into office.

Sec. 32. That in all cases where the mayor, comptroller, treasurer, or any other officer of the city, is required by this act to sign any account, warrant, order, check, receipt, bond, document, or other paper, said signing shall be made in his own proper hand writing; and in no case shall said officer use a stamp, or types, or any engraved instrument for that purpose.—Acts 1856, p. 146.

Officers to sign in their own handwriting.

Sec. 125. That the common council shall organize the departments, of comptroller, treasurer, surveyor, street commissioner and city attorney, regulate the number of clerks and other officers to be employed by each department, and fix the salaries of such clerks and officers; said clerks and officers shall be appointed by said comptroller, treasurer surveyor, street commissioner and city attorney, respectively, by and with the advice and consent of the board of aldermen; but said clerks and officers may be discharged by said comptroller, treasurer, surveyor, street commissioner, or city attorney, respectively, at pleasure; and in case of the discharge of any clerk or officer by said comptroller, treasurer, surveyor, street commissioner, or city attorney, the fact of said discharge shall be communicated to the board of aldermen at its first meeting thereafter, together with the cause thereof.

Organization of the different departments by the common council.

Officers may be discharged by comptroller, etc.

Sec. 126. That the common council shall fix the compensation of the services of every officer of the city or of the State, whose said services are, by law, to be paid by the city of New Orleans.

Compensation of officers, how fixed.

Sec. 127. That it shall not be lawful for the common council to increase the salary or compensation of any officer, during the term for which said office has been elected; nor permit the compensation of any

Salary or compensation not to be increased.

salaried officer to be increased by allowing him any fees for the performance of any duty imposed on him by this act, or by said common council.

Power of removal.

SEC. 128. That in addition to the power of removal by way of impeachment, the common council shall have power to remove, at any time, from office, any officer of the corporation, elected by said council, by resolution declaratory of its want of confidence in said officer; provided that two-thirds of the members elected to each board of said council shall vote in favor of said resolution.

Who shall discharge the duties of city officers when the election is set aside, until successors are chosen.

SEC. 129. That if at any time the election of mayor, or of one or more of the aldermen, assistant aldermen, or other public officer of the city of New Orleans, shall be annulled or set aside for any cause whatever, the incumbent of the office shall nevertheless continue to fulfil its duties until a successor shall have been duly elected or appointed, and qualified as required by law.

Right to office, how tested.

SEC. 130. That the right of any mayor, recorder, or other officer of the city of New Orleans, to fill the office held by him, may be tested at any time, by any citizen, by a writ of quo warranto, which shall be tried as summarily as possible, both in the inferior and appellate courts.

Bond and security to be furnished by officers

SEC. 132. That the common council of New Orleans shall have power to require bond and security from all persons holding any office of trust or emolument in the city administration, for such sum as it may deem proper.—Acts of 1856, p. 166.

An Act to prevent Aliens from holding office.

Who may hold office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That no person shall hold any office, either civil or military, within the State, unless he be a native or naturalized citizen of the United States.—Acts of 1855, page 36.

See Acts of 1855, page 350, and page 326.

OFFICIAL PAPER—NEWSPAPERS, ADVERTISEMENTS AND CITY PRINTING.

An Ordinance concerning the official journal, fixing the time for electing and regulating the printing to be done by said official journal.

Official journal elected annually

No. 558. (1.) *Be it ordained,* That the common council of the city of New Orleans shall annually, in joint session, by *viva voce* vote, in the month of July, elect an official journal, which journal shall be a newspaper published at least six times a week in the city of New Orleans.

No. 559. (2.) In said official journal shall be published all ordinances and resolutions passed by the common council, the proceedings of each board, except secret proceedings, all printing emanating from the mayor, comptroller, treasurer, street commissioner, recorders, surveyor, committees of the common council, notices to delinquent tax payers made by the clerks of the district courts, justices of the peace and recorders, notices of election by the sheriff of the parish of Orleans, or by the mayor of the city, or from all and every other officer of the city, printing for the board of commissioners for whose bills the city is liable, and all petitions addressed to either boards by parties praying for the opening or widening of streets, making new banquettes, paving, etc., as required by sections 119, 120, and 121 of the city charter; also, all notices or publications emanating from the board of assessors and supervisors, and all other publications or notices that may be required by the common council, or which by law are required to be made in the official journal of the city, except the board of public schools, who are authorized as far as it is in the power of the common council to authorize them, to contract or bargain for their own printing; it shall include all printing of whatever kind that is to be done in one or more newspapers, and payment thereof shall be a finality and settlement in full of all bills for all the printing done for the year for which said journal is chosen, except the printing of forms and blanks, which is made the subject of another contract. And for the publishing of all of the above, the said journal shall be entitled to twenty cents per square of ten lines nonpareil type.

What published,
compensation,
etc.

No. 560. (3.) The newspaper chosen as the official journal shall be bound, if it accepts the appointment, to give due notice thereof to the mayor within two days after notification of the same.

Notice of acceptance.

(4.) All officers and boards of commissioners having matter to be printed under the class mentioned in section second of this ordinance, are directed to hand the same into the office of the comptroller, there to be comptrolled and registered; and it is hereby made the duty of said comptroller to register, approve and take account of the same under such rules and regulations as may from time to time be imposed by the common council or committees on finance. And the city is hereby declared not to be liable for any bills for newspaper printing, unless they are so comptrolled and registered, except such as emanate from the secretaries of boards of aldermen and assistant aldermen.

Bond & security. No. 561. (5.) The official journal elected under the first section of this ordinance shall furnish bond and security in the sum of five thousand dollars for the faithful performance of its contract, and all payments for printing done by the official journal shall be made monthly.

Proceedings of the council when published.

No. 562. (6.) That it shall be the duty of the printer to publish the proceedings of the common council within forty-eight hours after said proceedings shall have been delivered to him by the secretaries of each board.

City Ordinance, No. 2866. Approved July 10th, 1866.

Advertisements.

No. 563. From and after the passage of this resolution, the city of New Orleans will not pay for advertisements published in any other newspaper than the official journal, except such as the law requires should appear in more than one paper.

City Ordinance, No. 1220.

What to be published as proceedings of council.

No. 564. The proceedings of each board shall consist of a list of the members present, account of the contents of the communications of the city officers, an abstract of all reports of committees, and a condensed statement of the substance of petitions presented—except when such are ordered to be published at length—resolutions and ordinances offered and adopted, and the ayes and nays thereon, with the names of the members voting for or against, when the same shall contemplate any specific improvement or work, or the sale, disposition or appropriation of public property or the expenditure of public moneys or incomes therefrom, or lay any tax or assessment; provided, that when any report, petition or communication be made in duplicate to the board of aldermen and assistant aldermen, and the substance of the same be made public in the proceedings of the board first taking cognizance of the same, it shall not be published in the proceedings of the other, except by special order, but be referred to as published in the proceedings of — board of — date.

City Ordinance, No. 4474, Section 3.

Election & legal notices.

No. 565. From and after the passage of this ordinance it shall be the duty of the sheriff to advertise all election or other notices in the official journal only, and that this ordinance shall also apply to all the city officers, and shall comprehend all kinds of advertising for which the city may be held liable.

City Ordinance, No. 2221.

Blanks, job printing, etc.

No. 566. (1.) From and after the passage of this ordinance, it shall be the duty of the comptroller of the city, on the

4th Monday of April of each year, to adjudicate at public auction and to the lowest bidder, the contracts for furnishing printed forms and blanks, and for job printing required by the various departments and officers of the city government, after giving notice of such adjudication in the official journal of the common council during five days previous thereto; and that the said contracts shall be divided as hereinafter provided.

No. 567. (2.) That the first contract shall be for the printing and furnishing of all forms, blanks and other job printing which may be required by each of the recorders of the city, in the discharge of the duties of his office; that the second contract shall be for the printing and furnishing of all forms, blanks and other job printing which may be required by the treasurer, comptroller, surveyor and street commissioner in the discharge of the duties of their offices; and that the third contract shall be for the printing and furnishing of all forms, blanks and job printing which may be required by the mayor, the several boards of school directors, and by any and all other officers and employees of the city government in the discharge of the duties of their offices, unless otherwise specially provided for.

Nature of contracts.

No. 568. (3.) That it shall be the duty of the comptroller to obtain from each of the aforesaid officers, boards and employees, as far as practicable, correct copies of all such blanks, forms and other matter to be printed, as may be required in the duties of their several offices; and that said copies shall be exposed in his office for examination and inspection by all persons who may desire to bid for said contracts, during the time of the publication of said notice.

Comptroller's duty.

No. 569. (4.) That separate bids shall be made for each of said contracts; and that the bids shall be for the price per ream at which each and every size of the blanks, forms, and other printed matter required in said contracts, will be furnished and printed by the party bidding; and that the party to whom any one of said contracts may be adjudicated shall forthwith furnish good and sufficient surety, to be approved by the finance committees of the common council, in the sum of \$2,000, for the faithful performance of the contract.

The bids

No. 570. (5.) That immediately after the final passage and publication of this ordinance, the comptroller shall proceed to

Printing for 1853.

sell, after advertising, during five days, the contracts for the printing, etc., as hereinbefore provided, for the year, to end on the 4th Monday of April, 1853.

Duty of certain officers.

No. 571. (6.) It shall be the duty of the four recorders and the four superintendents of the public schools, to confer with the comptroller previous to ordering the blanks, etc., so that there shall be uniformity in said blanks throughout the departments mentioned in this article.

City Ordinance, No. 19. Approved, 8th May, 1852.

Newspapers.

No. 572. (1.) One copy of each newspaper, published in the city of New Orleans, shall be furnished to the mayor's office, board of aldermen and board of assistant aldermen, and that it shall be the duty of the secretaries of said offices to keep said newspapers regularly on file as part of the public archives of the city.

Newspapers.

No. 573. (2.) The official journal only shall be furnished to each officer in the city hall; all said papers to be chargeable to the city; and that all ordinances or resolutions, regulating the number of papers which shall be supplied to the various offices, be and the same are hereby repealed.

City Ordinance, No. 2257.

French and English notices.

No. 574. That all notices and advertisements of every kind, required to be published in French and English, emanating from either department of the city government, shall be furnished by said department in manuscript in French as well as in English, to the official journal, or such paper as they be published in.

City Ordinance, No. 806. Approved, 18th April, 1853.

For keeping of papers as archives, see No. 2.

Selling obscene and libellous papers, see No. 534.

For paving petitions, see No. 193.

STATE CONSTITUTION.

ART. 106. The press shall be free. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

See act 1855, page 47, section 19.

ORDINANCES.

No. 575. (1.) That Henry J. Leovy, Esq., be and he is hereby authorized and empowered to print and publish in book form, the general ordinances of the city of New Orleans, after his *projet* of the same shall be submitted to and adopted by the finance committees of the common council. That the work shall be alphabetically arranged with marginal and reference notes and a full index, together with the decisions of the supreme court and existing statutes pertaining to the city government.

Appointment of
revisor, etc.

No. 576. (2.) That where he shall discover conflicting ordinances on the same subject-matter, he shall frame uniform ordinances and submit them to the finance committees for the action of the common council.

To frame ordi-
nances.

No. 577. (3.) That for the said service the city shall pay the said H. J. Leovy, the sum of five hundred dollars.

Compensation for
framing ordi-
nances.

No. 578. (4.) That the city shall not be responsible for printing, binding, or for any other expenses connected with the publication of the said work beyond the sum aforesaid, but the city binds itself to take for its own use, three hundred copies of the said work at five dollars a copy, when the same shall have been fully completed, printed and bound in the manner aforesaid, and on delivery to the comptroller.

Copies to be
taken by the
city.

Amended. See No. 579.

(5.) That the printing and binding of said general ordinances shall be done in accordance with specimens of said work to be furnished by the committees on finance of the common council.

Printing, etc.

City Ordinance, No. 2950. Approved August 2d, 1856.

No. 579. Resolved, That section 4th of ordinance No. 2950, relative to revising and publishing the ordinances, be amended so as to read as follows :

Amending No
578.

That the city shall not be responsible for printing, binding, or for any other expenses connected with the publication of the said work beyond the sum mentioned in section 3d; but the city binds itself to take for its own use five hundred copies of the said work, at five dollars a copy, when the same shall have been fully completed and bound as required by ordinance No. 2950, and on delivery to the comptroller.

City Ordinance, No. 3200.

Repeal of certain ordinances.

No. 580. That all resolutions of the three municipalities of New Orleans, and of the late city of Lafayette, and of the consolidated city of New Orleans, approved prior to the first of January, 1855, appropriating money, are hereby repealed. Provided that nothing herein contained be construed to impair the validity of contracts entered into by the city.

City Ordinance, No. 1986. Approved Feb. 7th 1855.

The Mayor to send copies of ordinance to persons interested, see No. 486.

ACTS OF THE LEGISLATURE.

Veto power of mayor.

SEC. 27. That all ordinances and resolutions, after having been passed by both boards of the common council, shall be transmitted to the mayor for his consideration, who, if he shall approve thereof, shall sign and publish the same, and such ordinances and resolutions shall thereupon have the force of law. But if the said mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall, within five days from the time he received it, return the same to the board in which it originated, with his objections in writing, and if

Power of common council to pass ordinances and resolutions notwithstanding objections of the mayor.

two thirds of the members elect to each board shall adhere to said ordinance or resolution, notwithstanding said objections, then, and not otherwise, the said ordinance or resolution shall after publication thereof, have the force of law; provided, always, that if the said mayor shall not return any ordinance or resolution, transmitted to him as aforesaid by said common council, within five days after it shall have been received by him, then he shall be deemed to have approved the same and it shall have the same force and effect as if approved and signed by him.—Acts of 1856, p. 142.

All violations of this act, or of ordinances of the common council subjecting parties to fine, to be reported to comptroller. Said fines, how proceeded with.

SEC. 108. That each and every violation of this act, or of any ordinance or resolution of the common council of the city of New Orleans, which shall subject the person so violating the same, to a fine or penalty, shall be reported by any officer of said city, or by any resident of said city, to the comptroller of said city; and said comptroller shall make out a bill for said fine or penalty, and shall note the same in a book kept for that purpose; and shall deliver said bills to the treasurer; and the same shall be charged to said treasurer on the books of the comptroller, as cash received by said treasurer, to be accounted for by him. Said treasurer shall deliver said bills to the assistant city attorney, and take said attorney's receipt therefor. And the assistant city attorney shall not bring suit for any fine or penalty incurred by any person or persons, as aforesaid, except upon a bill therefor, delivered to him by said treasurer.—Acts of 1856, p. 160.

DECISIONS OF THE SUPREME COURT.

1.—By-laws and ordinances of a municipal corporation are not to receive the same strict scrutiny as penal statutes, where they inflict fines as penalties for their contravention. The fines, which a municipal

corporation is authorized to recover for the violation of its ordinances, is a penalty in the nature of liquidated damages, and established as such in lieu of the damages which a court would be authorized to assess in place thereof.—4 Ann. 335.

2.—An ordinance imposing a fine is a penal enactment, and must be general in its operation. It may impose fines on persons carrying on offensive trades in a certain street or suburb, where they would be injurious to the public health; but an ordinance designating one individual, or one establishment, and subjecting the owners to punishment, is contrary to common right.—4 Ann. 30.

3.—But a resolution of a common council directing a city officer to abate a particular nuisance under a general ordinance, is legal, and cannot be assimilated to an ordinance inflicting a fine or penalty upon a particular individual.—10 Ann. 227.

4.—The common council is fully empowered to enact ordinances and adopt measures of police, for preserving the health and promoting the comfort, convenience and general welfare of the inhabitants.—10 Ann. 227.

5.—The council elected for 1851, was incompetent to impose a tax for a past year. The statute of 18th March, 1850, designed that the taxing power of the council should be exercised prospectively. A by-law of a corporation, which is contrary to a law of the State, is void; where the law enables a corporation to make by-laws in certain cases and for certain purposes, its power of legislation is limited to the cases and objects specified, all others being excluded by implication.—9 Ann. 44.

6.—The ordinance of 19th March, 1834, which makes it unlawful "to build any stable, etc.," in the interior of the city, or any of the incorporated suburbs, cannot be construed to apply to such additions to the limits of the city as subsequent legislation might make.—9 Ann. 223.

7.—It is no objection to the validity of an ordinance containing a prohibition and attaching a penalty to its violation, that it purports by its terms to be a resolution.—4 Ann. 336.

8.—An ordinance of the city directing a sale under the mayor's order, of all property remaining on the levee a longer time than is authorized by the police regulations, is unconstitutional and void; and so is the statute of 6th March, 1834, authorizing the municipal government to pass such an ordinance.—4 La. 97; 4 La. 98; 15 La. 129.

9.—Ordinances imposing fines on the owners of animals found astray, are legal exercises of the power vested in the council.—1 Ann. 385.

10.—Ordinances imposing fines on persons selling groceries in certain market houses, are neither illegal nor unconstitutional.—4 Ann. 278 and 336.

For other decisions see "New Orleans," page 165; Offenses and Nuisances, page 184; and "Revenue."

ORPHANS.

Mayor's duty.

No. 581. That the mayor be, and he is hereby authorized to cause to be taken care of, at the expense of the city, all such orphan children and foundlings found within the city, as may be in destitute circumstances—at the lowest possible price, until such time as said children can be otherwise provided for.

City Ordinance, No. 420.

See Houses of Refuge, page 131.

PHYSICIANS—CITY.

Common council
to appoint.

No. 582. (1.) There shall be appointed by the common council of New Orleans, two physicians, to be called the city physicians, whose duty it shall be to attend to all the prisons, workhouses, houses of refuge, jails of this city; one shall attend in the first and fourth districts, and the other in the second and third districts.

Their duties.

No. 583. (2.) It shall be the duty of said physicians to visit, at least once every day, all the workhouses, jails, etc., and attend any patient or patients in the prisons, and continue so to do as often as necessary, when called upon in their respective districts.

Their duties.

No. 584. (3.) In addition to the duties, they shall act as expert physicians to the coroner, each in their respective districts.

Their duties.

No. 585. (4.) They shall both visit the public schools once in each week; in order to vaccinate the children, under the direction of the visiting committees of the respective schools.

Absence, etc., of
either physician.

No. 586. (5.) In case of the absence or illness of either physician, the other shall attend to his duties as long as it may be necessary; should it not be possible for one to attend to the duties of both, the health committee may appoint an assistant physician for the time required, whose compensation shall be five dollars par day for the first fifteen days, and two dollars for every subsequent day he is employed, to be paid by the city treasurer, provided the regular physician is ill, or absent with leave of the health committee;—if not, said assistant physician must receive his compensation from the physician whose duty he fulfills.

Their prescrip-
tions.

No. 587. (6.) They shall each day register, in a book kept for that purpose in each prison, workhouse, etc., all their

prescriptions, with the name or number of each patient, from which book the orders shall be executed by the nurses or keepers.

No. 588. (7.) The medicines shall be ordered and inspected Medicine. by the physicians in their respective districts, who shall approve the bills for the same before payment can be made.

No. 589. (8.) The physicians shall have the power to re- Contagious diseases. move any prisoners attacked with any contagious disease, to some place selected by themselves, and treated at the expense of the city.

No. 560. (9.) The salary of each physician appointed under Their salary. this ordinance shall be twelve hundred dollars per annum, payable monthly by the city treasurer.

No. 561. (10.) The common council reserves to itself the Right to remove. right of dismissing either or both of the physicians at will.

City Ordinance, No. 49. Approved 5th June, 1852.

No. 562. It shall be the duty of the physician of the police Their duties to insane persons. jail, to visit the insane confined therein at least once a day, and when any of their number shall have sufficiently recovered, that he be authorized to issue an order for the discharge of such person.

City Ordinance, No. 1358.

PICKERIES.—See "COTTON PRESSES," No. 245.

PILOTS.

ACTS OF THE LEGISLATURE.

An Act relative to Pilots.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the Govern- Pilots to be appointed by the Governor. or shall appoint not less than sixty-five nor more than seventy-five branch pilots for the port of New Orleans, not more than six for the Atchafalaya bay and river, and one or more for the Sabine river. No person shall be Qualifications. appointed unless he be a qualified voter, and until he be examined by a board of examiners and recommended by the board, as qualified to be a branch pilot, to the governor.

SEC. 2. That two boards of examiners shall be appointed by the Gov- Board of examiners. ernor every two years, to be composed of three persons each, to be

selected from the branch pilots. One of said boards shall be for the port of New Orleans, and the other for the Atchafalaya bay and river. The governor shall have power to fill all vacancies.

Bonds to be
given by pilots.

SEC. 3. That every branch pilot, before he takes upon himself the execution of his duties, shall give bond to the Governor of this State, with two sufficient securities, in the sum of one thousand dollars, to be approved of by the master and wardens in New Orleans, or by the recorder of mortgages of the parish of St. Mary.

Boats to be
owned and kept
by pilots of the
port of New Or-
leans.

SEC. 4. That every branch pilot of the port of New Orleans shall be owner or part owner of at least one-decked pilot boat, of not less than thirty feet keel, and he shall keep such boat exclusively employed as a pilot boat. Every such branch pilot, not owning or employing a pilot boat as aforesaid, shall be suspended from his office by the master and wardens of the port, and they shall report the case to the governor, who may withdraw the commission or license of such branch pilot, if, in his opinion, circumstances require such removal.

Boats to be
owned by pilots
for the Atchafa-
laya bay and
river.

SEC. 5. That every branch pilot for the Atchafalaya bay and river, shall be owner or part owner of at least one-decked pilot boat, of not less than thirty feet keel, and eight feet beam, and keep her exclusively employed as a pilot boat, at least from the first of October until the first of June in each year. The violation of this section shall subject the offender to fifty dollars fine for each offense.

Penalty for
persons not ap-
pointed pilots pi-
loting vessels.

SEC. 6. That if any person not appointed a branch pilot shall pilot any ship or other vessel when a branch pilot offers, he shall forfeit and pay to the branch pilot the sum of thirty dollars, or in default thereof be condemned to seven days' imprisonment.

Pilots to exhibit
their license.

SEC. 7. That every person offering to pilot a ship or other vessel shall, if required, exhibit to the commander of the ship or vessel his license as pilot; and upon his refusing or neglecting to do so when demanded, he shall not be entitled to any remuneration for any service he may render as pilot.

Fees.

SEC. 8. That the pilots of the port of New Orleans shall be entitled to ask and receive pilotage at the rate of two dollars and fifty cents for every foot drawn by any ship or vessel piloted by them drawing ten feet water or less, and three dollars and a half per foot for every ship or vessel piloted by them drawing more than ten feet water. Vessels of one hundred and fifty tons and under, from Louisiana, Texas, Alabama and Florida shall come in and go out free.

Duty of pilots.

SEC. 9. That it shall be the duty of pilots to pilot, when required, all inward bound vessels from outside of what is commonly called the point of the main reef, to the mouth of the Atchafalaya river, and all outward bound vessels from the said river outside of the reef; and the pilots shall be entitled to demand and receive three dollars and fifty cents per foot, that any vessel may draw, under eight feet; for each foot over eight feet, four dollars; the part of a foot in like proportion. All vessels refusing a pilot, other than those trading within the State of Louisiana,

Fees.

shall pay half pilotage, both inward and outward bound, provided they shall be spoken by a branch pilot when inward bound, outside of the

reef, and all outward bound vessels between Berwick's bay and the mouth of the Atchafalaya river.

SEC. 10. That any pilot, piloting any vessel safe from sea, shall have the exclusive right to pilot such vessel to sea again; provided he gives satisfaction to the master on coming in, and be in readiness and offer his services before the vessel gets below Shell Island and the Atchafalaya river.

Right given to pilots in certain cases to pilot vessels to sea again.

SEC. 11. That whenever any branch pilot shall, when practicable, refuse or neglect to go on board any ship or other vessel, when called by signal or otherwise, he shall lose his commission, and be forever incapacitated from being commissioned as pilot, and shall moreover be liable to be fined in the sum of five hundred dollars, in default of the payment whereof, he shall suffer imprisonment for a time not less than three months nor more than six months.

Penalty incurred by pilots refusing or neglecting in certain cases to go on board vessels.

SEC. 12. That the pilots of the port of New Orleans shall have the power to appoint whomsoever they shall think proper, as their agent, to collect the amount due for pilotage.

Power to appoint agents.

SEC. 13. That the masters and wardens of the port of New Orleans, with the consent of the Governor of the State, may make such rules and orders for the better government of the pilots as they shall deem proper, and the same from time to time revoke or amend; and impose fines for contravention of such rules and regulations. The fines thus imposed shall in no case exceed the sum of one hundred dollars.

Power of the Master and Wardens to establish rules.

SEC. 14. That no license shall be granted to any person to keep a tavern, grog shop, billiard house, or any other house of public entertainment at the Balize, the Southwest Pass, or any other station for pilots, nor within three miles from such station, unless the person applying for such license shall be recommended in writing by a majority of the branch pilots. Any person keeping any public house as aforesaid, at any of the places aforementioned, without a license, shall pay a fine of fifty dollars for each and every week such house shall be kept, and moreover be obliged to shut up or remove such public house.

Recommendation by branch pilots in certain cases.

Penalty for keeping public house without license.

Nothing in this section shall be so construed as to exonerate persons keeping public houses without license, from the fines or other penalties decreed by the parish regulations.

Proviso.

SEC. 15. That whenever any person shall take, or cause to be taken up, any anchor or cable, in the river Mississippi, he shall bring or send the same to the port of New Orleans, where the same shall be deposited at such place as the master and wardens of the port shall determine; and if claimed within three months by the owner thereof or their agents, the said anchor or cable shall be restored to them on their proving property and paying to the person so taking up and bringing the same to the port of New Orleans, such salvage as shall be determined by the master and wardens of the port. In case such anchor or cable shall not be claimed, within the said space of three months, the same shall become the property of the person by whom it may have been taken up. Any person so neglecting or refusing to comply with the provisions of this section, shall forfeit and pay for every such offense the sum of fifty dollars.

Disposition to be made of any anchor or cable taken up in the Mississippi.

Leave of absence. SEC. 16. That no branch pilot shall be allowed to leave his station for more than three consecutive days, unless he shall have obtained a written permission from the board of examiners, under a penalty of fifty dollars. Permission shall in no case be granted to more than two branch pilots to leave their station at the same time.

Fines and forfeitures how recoverable and how disposed of. SEC. 17. That all fines, forfeitures or penalties shall be sued for and recovered in the name of the master and wardens of the port, for the use and benefit of the charity hospital of New Orleans.

Reward to be paid pilots in certain cases. SEC. 18. That the master or owners of any ship or vessel appearing in distress, and in want of a pilot on the coast, shall pay unto such branch or deputy pilot, who shall have exerted himself for the preservation of such ship or vessel, such sum for extra services as the said master or owner and pilot can agree upon. In case no such agreement can be made, the master and wardens, or any three of them, shall determine what is a reasonable reward, which the pilot shall be entitled to collect.

Half pilotage to be paid in certain cases. SEC. 19. That if the master of any ship or vessel coming to the port of New Orleans, shall refuse to receive on board and employ a pilot, the master or owner of such ship or vessel shall pay to such pilot who shall have offered to go on board and take charge of the vessel, half pilotage.

Penalty for carrying pilot off to sea. SEC. 20. That if any vessel, going out, shall carry off to sea, through the default of the master or owner of such vessel, any pilot, when a boat is attending to receive him, the master and owner of such vessel shall pay, besides the pilotage, the same monthly wages until he shall return to the port of New Orleans as are allowed to the mate of such vessel; provided the pilot shall have performed the duties required of him by law.

Proviso. SEC. 21. That discharging ballast in the bay, shall subject the master or owner of such vessel to a fine of one hundred dollars.

Fine for discharging ballast in the bay. SEC. 22. That all laws contrary to the provisions of this act, and all laws on the same subject-matter except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 372.

Certain laws repealed. See act of 1855, p. 476, section 21.

POLICE DEPARTMENT.

Police shall consist of. No. 563. (1.) That from and after the 1st day of May, 1855, the department of police of the city of New Orleans shall consist of and be organized as follows :

One captain of the city police.

Four lieutenants of the city police.

Ten sergeants of the city police.

Two hundred and fifty policemen.

Amended, see No. 573.

No. 564. (2.) Should the board of police, acting under the Captain or chief. authority vested in it by the act of the legislature of 1853, creating said board, deem, in its judgment, such office as "chief of police" necessary, then, in such case, the office of captain of the city police, contemplated in the above article, shall be merged into and constitute the same office as chief of police.

No. 565. (3.) No person shall be eligible to, or fill the Who shall be eligible for police-men. station of chief of police, captain of the city police, lieutenant, sergeant or policeman of the city of New Orleans, unless he can read and write, understand, and speak fluently the English language; and, moreover, produce a certificate of recommendation to the mayor, from at least three well known freeholders and respectable citizens of New Orleans to the following effect, viz : That said applicant has resided at least two years, consecutively, in the city of New Orleans; that he is a citizen by birth, or legally naturalized ; that he is a person of good moral character, honest, sober and industrious, and a fit and proper person to fill such a trust; and such officers as may be located below Canal street, shall speak the English and French languages.

No. 566. (4.) The officers and policemen of the city police, To give bond. before being sworn and entering upon their duties, shall give bond and security to the satisfaction of the mayor, as follows :

The captain or chief of police, in the sum of ten thousand dollars each.

The lieutenants of the city police, in the sum of five thousand dollars each.

The sergeants of the city police, in the sum of two thousand five hundred dollars each.

The policemen of the city police, in the sum of one thousand dollars each.

Said bonds to be conditioned for the faithful performance of the several duties devolving upon them, and to hold the city harmless for any act, omission or commission, of said officers and policemen in the exercise of their duties.

No. 567. (5.) That it shall be, and is hereby made, the Who shall be surety. duty of the mayor to select as security and bondsmen of such officers and policemen, any one from the freeholders who shall have signed the certificate and recommendation of the several parties mentioned in article three of this ordinance, as he may, in his discretion and judgment, consider the best and most solvent.

No. 568. (6.) The distribution, management and control The mayor to be head of police. of the department of police of this city and its operations shall

be, and are hereby, placed entirely in the hands of the mayor of the city of New Orleans.

Mayor to make rules.

No. 569. (7.) That for the better organization, direction and conduct of said police department, the mayor is hereby authorized to make such regulations as he may consider just and proper—which regulations shall be submitted to, and approved by, the police committee of both boards.

Salaries of police.

No. 570. (8.) That from and after the first day of May, 1855, the salaries of the police department be, and the same are hereby fixed at the sum of, for the captain or chief of the police, two thousand dollars; the lieutenants at one thousand dollars per annum; the salaries of the sergeants and day policemen shall be seven hundred dollars per annum; the salaries of the policemen fifty dollars per month.

Uniform.

No. 571. (9.) That immediately after the organization of the policemen, it shall be the duty of the mayor of the city of New Orleans to cause to be uniformed in such dress as may be deemed proper, the police of the city, in order to designate said police in the various duties that may be incumbent upon them in said service.

Repealing clause.

No. 572. (10.) All ordinances, or parts of ordinances, heretofore passed and in force, organizing the department of police in the city of New Orleans, be, and the same are hereby repealed.

City Ordinance, No. 2100. Approved April 5th, 1855.

Increase of police force.

No. 573. The police force of the mayor shall be increased fifty men. All ordinances or resolutions contrary to the foregoing be, and the same are hereby repealed.

City Ordinance, No. 3069.

Rules and regulations.

No. 574 That the rules and regulations for the government of the police department, as suggested by his honor the mayor, be adopted, and that the mayor be authorized to have one thousand copies printed in pamphlet form for the use of the department.

City Ordinance, No. 119.

Securities to be accepted.

No. 575. Hereafter, no person elected to any office by the board of police, shall enter on the discharge of the duties of said office, nor be entitled to any compensation for any services until his securities shall be duly accepted, and he be commissioned according to law.

City Ordinance, No. 2343.

No. 576. The commissaries of the several markets of the city shall be under the special instructions of the chief of police, relative to their several duties in enforcing the ordinances now in existence concerning said markets. Chief's duty as to commissaries.

City Ordinance, No. 1776.

No. 577. That the chief of police be, and he is hereby, authorized to appoint a police officer to act as clerk of the chief of police with a salary of nine hundred (\$900) dollars per year. Chief's clerk.

Ordinance No. 70.

No. 578. That the first part of ordinance No. 1674, approved July 5th, 1854, as allows "the chief of police to employ two additional clerks at a salary each of sixty dollars per month," be so amended as to read, "be allowed to employ one additional clerk, at a salary of sixty dollars per month." His assistant clerk.

City Ordinance, No. 2366.

No. 579. That the captains of police of the several districts be, and are hereby, allowed, for the maintenance and support of prisoners in their charge, the sum of ten cents per day for each and every prisoner. The vouchers for same to be presented monthly, after having been approved by the chief of police. Support of prisoners.

City Ordinance, No. 450.

No. 580. That it shall be the duty of the captains of the police of each district, to report to the council monthly, the number of persons arrested or reported, for breaches of the city ordinances, which are punishable with fines—the amount of fines adjudged—by whom collected, and if not collected, the reasons why. Officers to report monthly, etc.

City Ordinance, No. 451.

No. 581. That the captains of police of the several districts be, and they are hereby required to furnish to the council, through the joint committee on finance on the first day of every month, a list, containing the names of the prisoners respectively under their charge, and the several amounts received as jail fees from each person up to said date, and that no account from such officer shall hereafter be approved or received, unless accompanied with such list. Officers to report monthly.

City Ordinance, No. 1013.

No. 582. All furniture, fixtures, stationery, etc., bought by the police department of the city, or by the recorders or their Purchases for police department.

clerks, shall be bought by order and under the supervision of the police committees of the common council.

City Ordinance, No. 554.

Rural portion of
third district.

No. 583. That the chief of police be, and is hereby instructed to detail one member of the police force of the third district as a syndic for the rural portion of said district.

City Ordinance, No. 205.

See No. 799.

Milneburg police-
men.

No. 584. That the recorder of the third district be and he is hereby authorized to appoint a special policeman, to be stationed at Milneburg, at the lake end of the Pontchartrain railroad, under the rules and regulations of the police department of the city.

City Ordinance, No. 1648.

See No. 799

Police for horse
market.

No. 585. That the chief of police be, and is hereby, instructed to detail one or more policemen to attend all sales of cattle, horses, or vehicles, by auction, at the horse market, on Common and Circus streets, to prevent the use of the public highway for the exposure of vehicles, or trying of horses, mules, or other cattle, or in any manner occupying or obstructing the public highways and grounds in the vicinity.

That a fine of five dollars be imposed for each and every offense against the above resolution, and to be recovered before any competent court of jurisdiction.

City Ordinance, No. 613.

Duty of Police relative to Places of Amusement, see page 15.

"	"	Awings, etc., see page 11.
"	"	Bakeries and Bread, see No. 41.
"	"	Board of Health, see page 120.
"	"	Buildings, see No. 89.
"	"	Cemeteries, Interments, Sextons, see No. 142.
"	"	Coffee Houses, see page 44.
"	"	Elections, No. 250, and Appendix.
"	"	Evening Gun, see No. 251.
"	"	Fire, see Nos. 319, 320, etc.,
"	"	Fire Department, Police Powers, see Nos. 277, and 309
"	"	Lewd Women, see No. 405, and Appendix.
"	"	Markets, Commissaries, etc., see Nos. 435, 449.
"	"	Slaughter Houses, see No. 258.
"	"	Slaves, see No. 752, 772, etc.

See "Vehicles," "Offenses" etc.

PORT OF NEW ORLEANS.—See MASTER AND WAR-
DENS OF, etc., page 157.

PORTERS.

No. 586. That the resolutions of the late second municipality, approved October 3, 1837, amended 19th of February, 1839, and amended again on the 9th of May, 1848, creating porters to attend at the city hall, be and the same are hereby repealed, and that said offices be abolished after the passage of this resolution. Repealing certain ordinances.

City Ordinance No. 1023.

No. 587. That the salary allowed to the porter of the city hall be fixed at seventy-five dollars per month, being the same amount that was allowed the late porter, under an ordinance of the late second municipality, and shall be payable in the same manner, and in full compensation for his services. Salary of porter city hall.

City Ordinance No. 1366.

No. 588. (1.) It shall be the duty of the porter of the city hall to have all the offices of the public officers properly cleaned and prepared for their occupancy by 9 o'clock on every day, with fires lighted and supplies of coal provided in said offices, whenever the same may be necessary. It shall be his duty to be in attendance at the hall during office hours, or as long as any of the city officers may be engaged in their offices, or as long as any committees of either board of the common council shall be in session. Duty of porter of city hall.

(2.) That the porter and assistant porter of the city hall be and they are hereby, placed under the direction of the city comptroller, who shall have full power to discharge said officers for non-attendance to the several duties imposed on them by the common council.

City Ordinance No. 2090.

POUNDS.

No. 589. (1.) From and after the passage of this ordinance, it shall not be lawful for any person or persons to permit any horse, mule, ox, cow or other large horned animal, or sheep, goat, calf or other animal, to run at large in any of the streets of the city at any time, within the following limits, to wit: Between the river and Carondelet street, in the fourth district; Galvez street in the first and second districts; and Claiborne to Animals running at large.

Champs Elysee street; thence along the line of the Mexican Gulf railroad to Independence street, and thence to the river, in the third district; and it is hereby made the duty of the street commissioner and his deputies, and the day and night police, and they are hereby directed, to arrest and confine in the pounds of the city, in the district where taken up, all animals which may be found running at large.

Records of arrests.

The street commissioner shall cause to be kept at each of the city pounds, a correct record of the admissions and date of arrest, as well as an accurate description of all animals taken up, so that they may be identified by their brands, signs, marks or other peculiarities.

Amended. See No. 597.

Pound charges.

No. 590. (2.) Each and every animal taken to the public pounds, shall be charged as follows, viz: Horses, mu'les, oxen, cows or other large horned animals, one dollar each; every sheep, goat, calf or other animal, fifty cents, and the owner or owners of the animals shall pay for the expense of keeping and feeding the same, for each twenty-four hours during which they may remain in said pounds; for each animal of the first class forty cents, and for each animal of the second class fifteen cents. And should the animal or animals so impounded be not claimed by their rightful owners, or should the title to such ownership be not made out to the satisfaction of the street commissioner, or should the expense of arrest and charge for keeping and feeding as imposed by this ordinance, be not paid by the owner or owners, and such animal or animals be suffered by their owners to remain in the pounds for a longer time than forty-eight hours, then it shall be the duty of the street commissioner to advertise such animal or animals for sale, three times in the English and French languages, during ten days, in the official journal of the city, specifying the marks, brands or other signs by which they may be identified, the true cost of such advertisements to be paid by the owner or owners of such animals; and should such owner or owners fail — after the expiration of such advertisement — to come forward and claim their property, or refuse to pay the sums due for the charges and expenses of feeding and keeping such animal or animals, then the street commissioner shall sell the same at public auction at the pound, to the highest bidder for cash, and shall pay over the amount into the city treasury for the use of the city.

Amended. See No. 598.

No. 591. (3.) The street commissioner and his deputies, and the day and night police be, and they are hereby, authorized and directed to take up all hogs running at large in any of the streets of the city, and impound the same; and, if the same are not claimed by their owner or owners within three days thereafter, then they shall be sent to the work-house of the city, for the use of the city, or the said street commissioner shall cause the same to be slaughtered and sold as the case may require, and pay over the amount of such sales into the treasury for the use of the city.

Hogs running at large.

No. 592. (4.) Any person or persons, not authorized so to do by the street commissioner, who shall remove or take away from any of the city pounds any animal taken up under this ordinance, shall be subjected to a fine of not less than ten or more than twenty dollars for each and every such offense, recoverable before any court of competent jurisdiction in the district where such offense shall have been committed.

Taking animals from pounds.

No. 593. (5.) From and after the passage of this ordinance, it shall not be lawful for the owner or owners of any cart, dray, wagon, carriage or other vehicle to suffer the same to remain in any of the streets or public ways of the city, during the day or night, unless the same shall be in actual use at the time, under a penalty of three dollars; and any such cart, dray, carriage or other vehicle shall be taken by the street commissioner or his deputies, by the day or night police, to the city pound of the district where so found in contravention, and be there kept for three days; and should the owner or owners of the same not claim and pay the fines on the same within three days after the same have been impounded, then it shall be the duty of the street commissioner to advertise and sell the same as provided for in the case of strays, in the third section of this ordinance, or he shall report the same to the assistant attorney of the city.

Carts, etc., left in the street, etc.

Amended. See No. 593.

See "Vehicles."

No. 594. (6.) From and after the passage of this ordinance, it shall not be lawful for any person or persons to encumber or obstruct any of the streets, public roads, public grounds, public squares or promenades, sidewalks or gutters of the city, by depositing in or on the same any box, bale, hogshead, barrel, or any goods, wares or merchandise, or any article or object whatsoever, except for the necessary time for loading and unloading

Obstructing pavements, etc., by goods, etc.

the same, in order that at all times a free, commodious and convenient passage may be left to pedestrians, and to carts, drays or other vehicles, and to the flow of water in the gutters; and should any owner or owners, or any person or persons having charge of the same, or any of them — after being notified by the street commissioner or any of his deputies to remove such obstructions — fail to do so immediately, he or they shall be liable to pay a fine of not less than five or more than one hundred dollars, recoverable before any court of competent jurisdiction.

See "Streets."

How goods are
disposed of.

No. 595. And it shall be the duty of the street commissioner or his deputies, under his directions, to remove and store the same in some safe and convenient place, with some responsible person, or, as the case may require, remove the same to the public pound of the district where so found in contravention, and if the same shall not be claimed by the owner or owners thereof within three days thereafter, then it shall be the duty of, and the said street commissioner is hereby directed to advertize and sell the same, as provided for in the cases of strays and drays, etc., in this ordinance; provided always, that the provisions of this section shall not be applicable to the case of building or repairing any house or other edifice, as regulated by existing ordinances.

See p. 26 and p. 27.

Repealing clause.

No. 596. (7.) That all ordinances and resolutions of the municipalities, or of the late city of Lafayette, conflicting with the provisions of this ordinance, be, and the same are hereby repealed.

City Ordinance, No. 751. Approved April 6th, 1853.

Extending pound
limits.

No. 597. That ordinance No. 751, approved April 6th, 1853, be amended so as to extend the pound limits, and include within said pound limits all that portion of the city above Independence street to the upper line, and between the river and the outermost draining canals, and St. David and Claiborne streets, in the portion of the third district below the lower end of the draining canal.

City Ordinance, No. 1755.

Pound fees.

No. 598. From and after the promulgation of this resolution, the pound fees chargeable on any or all animals, of whatsoever description, arrested or impounded as strays, shall be one dollar each and the costs of feeding, as is now provided for by ordinance

No. 751, approved 6th April, 1853; and the pound fees chargeable on any dray, cart, wagon, carriage or other vehicle, whether arrested or impounded as incumbrances, or in contravention of any existing ordinance, shall be one dollar, in addition to whatever fine, if any, that may have been imposed for the contravention, by a competent court, said fine of one dollar being inclusive of the expense of hauling or transportation to the pounds.

City Ordinance, No. 1870.

No. 599. That the pound keepers of the several city pounds be hereby instructed and commanded to refuse to receive any stray animals brought by boys under eighteen years of age.

Duty of pound keepers as to boys.

City Ordinance, No. 1969.

No. 600. (1) That the street commissioner be, and he is hereby authorized to establish two additional pounds in this city, one in the second district and one in the fourth district, at such places as he may deem fit and proper; provided, that the monthly rent for each, including the cost for the fences and fixtures, shall not exceed twenty dollars, and that the said two pounds, when so established, and the two now existing in the first and third districts shall be the only legal pounds of the city to be used for the safe keeping of stray animals.

Pounds in second and fourth district.

No. 601. (2.) That the street commissioner be, and he is hereby authorized to appoint, with the consent of the board of aldermen, four pound keepers, being one for each district, whose duty it shall be safely to keep within the said pounds, all stray animals which may be delivered to them, in conformity with law, and such regulations as may hereafter be prescribed by the common council or by the street commissioner, with the advice and consent of the police committee of the council; and the compensation of said pound keepers shall be forty five dollars per month each, and also the profit, if any, that may accrue from the keeping and feeding stray animals, at the rates provided for by the city ordinance, approved April 6th, 1853: Provided, that either of said pound keepers may be removed from office at any time for cause.

Street commissioners to appoint four pound keepers.

No. 602. (3) That all officers whose duty is to arrest stray animals, shall conduct and deliver to the pound keepers, created by this ordinance, all the stray animals they shall find upon the streets and other public places, and the said animals shall not be released or discharged therefrom, except according to the provision of existing ordinances; and each officer or other persons for so arresting, conducting and delivering, shall be entitled to receive, after

Duty of certain officers.

it shall have been collected, the half of the fines, the other half to be paid in the city treasury.

City Ordinance, No. 1520. Approved May 29th, 1854.

Third district
pounds.

No. 603. That the street commissioner be, and he is hereby, authorized to rent a lot for a public pound, in the third district, and room for deputy's office, under the direction and superintendence of the police committee, provided the expense does not exceed eighteen dollars per month.

City Ordinance, No. 654.

Second district
pounds.

No. 604. That the street commissioner be, and he is hereby, authorized to rent a lot for a public pound from W. C. Micou. Said lot situated on Dryades street, provided the expense does not exceed twenty dollars per month.

City Ordinance, No. 465.

Repeal of old
ordinances.

No. 605. From and after the passage of this resolution the office of pound keepers and pounds now existing under ordinances of the late municipal council be, and the same are hereby, abolished, and all ordinances or parts of ordinances conflicting with the foregoing be, and the same are hereby repealed.

City Ordinance, No. 746.

DECISIONS OF SUPREME COURT.

The ordinances of the third municipality, of 19th May, 1846, imposing a fine on the owner of any animal found astray, is a legal exercise of the power vested in the council.—1 Ann. 385.

An ordinance of the city directing a sale, under the Mayor's order, of all property remaining on the levee a longer time than is authorized by the police regulations, is unconstitutional and void; and so is the act of 6th March, 1834, authorizing the municipal government to pass such an ordinance.—4 La. 97; 4 La. 98; 15 La. 129.

POWDER AND POWDER MAGAZINE.—See "GUN POWDER," etc., page 114.

PUBLIC SCHOOLS.

Board's of direc-
tors.

No. 606. In obedience to the 38th section of the act of consolidation, approved by the legislature of the State on the 23d February, 1852, there shall be elected by the council, at

their first regular meeting in the month of May, annually, four separate boards of directors of the public schools, to wit, one for each district.

The number in the first district shall be 21.

“ second “ 12.

“ third “ 12.

“ fourth “ 11.

No. 607. The board thus elected shall meet and enter on the discharge of their duties, on the second Monday following their election. Board to meet, etc.

In case the council fail to elect on the day above named, the board shall not be dissolved, but hold over until their successors are elected.

City Ordinance, No. 12.

No. 608. (1.) In accordance with the 38th section of the old city charter, approved in February, 1852, and with the request of the legislature of the State of Louisiana, contained in “an act relative to public schools in the city of New Orleans,” approved March 14th, 1855, there is hereby appropriated for the maintenance of the public schools, and for the gratuitous education of the children residing in each district of the city, for the term of one year from the first day of August, 1856, the sum of two hundred and eight thousand eight hundred and ten dollars, to be appropriated among the four districts as follows: Annual appropriations.

No. 609. To the first district, which had during the year ending 31st May, 1856, an actual average attendance of 3,051 resident pupils, adding five per cent. thereon at the rate of (\$20) twenty dollars per pupil, and eight thousand dollars (\$8,000) for repairs—sixteen hundred dollars for rents, the sum of seventy-three thousand six hundred and sixty dollars, (\$73,660.) For first district.

No. 610. To the second district which had, during the year aforesaid, 1824 resident pupils, adding five per cent. thereon, at the rate of twenty dollars (\$20) per pupil, and five thousand and seventy-five dollars (\$5,075) for repairs—five thousand two hundred and twenty dollars (\$5,220) for rent, the sum of forty-eight thousand five hundred and ninety-five dollars, (\$48,595.) For second district.

No. 611. To the third district, which had during the year aforesaid an average attendance of 1959 resident pupils, adding five per cent. thereon, at the rate of twenty dollars (\$20) per pupil, and three thousand one hundred dollars (\$3,100) for rent, two thousand eight hundred and fifty dollars (\$2,850) for For third district.

repairs—the sum of forty-six thousand nine hundred and seventy dollars, (\$46,970.)

For fourth district.

No. 612. To the fourth district, which had during the year aforesaid, an actual average attendance of 1649 pupils, adding five per cent. thereon, at the rate of twenty dollars (\$20) per pupil, and three thousand one hundred and fifteen dollars (\$3,115) for rents, and one thousand eight hundred and fifty dollars (\$1,850) for repairs—the sum of thirty-nine thousand five hundred and eighty-five dollars, (\$39,585.)

Monthly expenses.

No. 613. (2.) Not more than one-twelfth part of said appropriation shall be drawn each month, and all drafts of the respective boards of school directors, shall be made in the following manner :

The salaries of superintendent, teachers and other employees, and all bills for supplies, stationery, rents, repairs and other expenses incurred by the board, shall be stated in detail in the pay-rolls of the month, and on the approval thereof by the president and committee on accounts of the respective boards, the comptroller shall warrant on the treasurer of the city for the payment of the same.

Responsibility of city.

No. 614. (3.) The city of New Orleans shall not, in any case, be liable for the debts or contracts of the boards of directors beyond the amount of the aforesaid appropriations.

Quarterly reports.

No. 615. (4.) It shall be the duty of the respective boards of school directors to make quarterly reports to the common council on the condition of the schools, showing the number of pupils that have been admitted into each school, the number that have left, and the number in actual attendance during the month, with a detailed statement of the receipts and expenditures of money during the same time. They shall also make, in the month of May, an annual report containing an abstract of all the quarterly reports, also the names, number and salaries of teachers employed in their respective schools, a list of the branches taught, and text books used therein, a statement of the number, location, size, condition, internal arrangement, and means of ventilation and warming of the school houses owned by the city, and those wanted for the use of schools.

The size of the rooms and the maximum number of pupils therein, the dimensions of the lots, play ground and yard of the pupils, and the manner in which the same are enclosed, together with such other information as the respective boards may deem of public interest.

No. 616. It shall be the duty of the respective presidents of the boards, and superintendents, to meet, on the call of the president of the first district board, and agree upon a form for the quarterly and annual statistical reports to the council; also to adopt a uniform system for keeping their daily, weekly, monthly and yearly registers of pupils admitted, left and attending, and also a uniform method for determining the actual average attendance at the respective schools. The annual reports of the boards shall be published in pamphlet form under the direction of the four superintendents, and at the expense of the respective boards, in proportion to the amount received by them from the city, and together with 200 copies for the same for the use of the council; the superintendents shall also submit to the committee on education all proper vouchers required by them in support of the stated attendance of pupils on which the annual appropriation is made.

Quarterly and
annual reports of
presidents, etc.

City Ordinance, No. 2390. Approved August 16, 1856.

The libraries are placed under control of the school directors of the respective districts; see city Ordinances Nos. 951 and 2369.

STATE CONSTITUTION.

ART. 136. The general assembly shall establish free public schools throughout the State, and shall provide for their support by general taxation on property or otherwise; and all moneys so raised or provided shall be distributed to each parish in proportion to the number of free white children between such ages as shall be fixed by the general assembly.

ART. 137. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons, to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent; which interest, together with the interest of the trust funds deposited with this State by the United States, under the act of Congress, approved June 23, 1836, and all the rents of the unsold lands shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 138. All moneys arising from the sales which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation, that may hereafter be made for that purpose, shall be

and remain a perpetual fund, the interest of which at six per cent. per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

ACTS OF THE LEGISLATURE.

Division of the city into three public school districts.

Election of a board of school directors.

Appropriation to be made for each district.

Election of superintendents and principal and assistant teachers. Qualifications for school directors. Duties of the board of directors.

Recorder and school directors of the fourth district.

SEC. 38. That the city of New Orleans shall be divided into three public school districts, as follows: The first district to comprise all that portion of the city between the upper line thereof and Canal street; the second district, all that portion between Canal and Esplanade streets; and the third district, all the residue of the city. The council shall annually elect, by joint ballot, a separate board of directors of the public schools for each of said districts, to consist of as many members as the council may determine, and to be chosen from the voters in the district for which they are elected. Separate appropriations for the maintenance of the schools in each district, in proportion to the number of pupils in each, shall be made annually by the council, and said appropriations shall be under the exclusive control of the board of the district for which they are made; and each board shall also have the exclusive management of the public schools of its district, and shall elect one superintendent and as many principal and assistant teachers as it may deem proper. No member of the council nor officer of the corporation shall be a school director, nor have a seat in any of the school boards. Each board shall cause to be laid before the council, at their first regular meeting in January, April, July and October, a report of the condition of the schools, with a detailed statement of the receipts and expenditures of money during the preceding quarter, and such other information as may be of public interest, and said report shall be published in the proceedings of the council.—Acts of 1852, p. 54.

SEC. 3. That the said fourth district of New Orleans shall form a fourth recorder's district and a fourth school district of said city, and a recorder and school directors shall be elected for said fourth district, in the same manner as for the other districts of said city of New Orleans.—Acts of 1852, p. 56.

An act relative to Public Schools in the city of New Orleans.

Common council authorized to establish public schools, etc.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the common council of the city of New Orleans are authorized and requested to establish one or more public schools in each district, for the gratuitous education of the children residing therein; to enact ordinances for the organization, government and discipline of the same, and to levy taxes for their support as to them may seem proper.—Acts of 1855, p. 331.

See Acts of 1855, page 422, and page 331.

QUARANTINE.—See BOARD OF HEALTH, page 120.

QUICK LIME.

No. 617. (1.) No person shall store or cause to be carried Not to store, etc. into any part of the square of the city, any quick lime beyond the quantity of five barrels at a time, and that quantity must not be placed but in a building protected from all humidity and constructed in such a manner as to leave a free current of air, and the said barrels must be stowed at the distance of ten inches from one another.

No. 618. (2.) No person shall store quick lime unless it be How stored. well dried, and placed in a store constructed and prepared for that purpose, and protected from all humidity, the flooring of which must be two feet from the ground, it must have at least two openings at its extremity, so as to afford a continual current of air, and such building must not be surrounded by any other building, wall or enclosure which might prevent the circulation of air; it ought to be lined without and within and boarded above the beams, in order to keep off the heat of the sun; there must be between the spaces of the rows of barrels, a space of at least ten inches. The barrels must not be placed more than three barrels in height; from the moment the quick lime so stored shall spread, so as to obstruct the circulation of the passage left between the barrels for the circulation of air, the barrels must be arranged immediately, and the lime found amongst the barrels carried away.

No. 619. (3.) Every person contravening the present ordinance, shall pay a fine which shall not be less than fifty dollars, nor more than one hundred dollars. Penalties.

No. 620. (4.) No person shall store any quick lime previously to the city surveyor having been called in, for the purpose of inspecting the building destined for that purpose, and that he has obtained a certificate of it, and in default of that formality, which must be strictly observed, all persons contravening it, must pay the fine decreed in the third article of the present ordinance. Surveyors to inspect, etc.

RAILROADS.

1.—NEW ORLEANS, JACKSON AND GREAT NORTHERN RAILROAD COMPANY.

An Ordinance providing for the subscription, by the city of New Orleans, to the capital stock of the New Orleans, Jackson and Great Northern Railroad Company.

City subscription No. 621. (1.) Be it ordained by the common council of the city of New Orleans, that the mayor subscribe on behalf of said city, for eighty thousand shares of twenty-five dollars each, of the capital stock of the New Orleans, Jackson and Great Northern Railroad Company, amounting to two millions of dollars.

How payable. No. 622. (2.) Be it further ordained that said subscription shall be payable in bonds of the city of New Orleans, for one thousand dollars each, having twenty years to run, bearing interest at the rate of six per cent. per annum, with interest coupons attached, payable semi-annually in New Orleans or New York, as said railroad company may prefer, transferable by the endorsement of the president and secretary of said company, and convertible into the stock of said company, at the option of the holder, at any time within ten years after their date.

Special tax on
real estate, etc.

No. 623. (3.) Be it further ordained that a special tax on real estate and slaves shall be levied in January of each year, sufficient to pay the annual interest on said bonds, specifying the rate of said tax, which shall be collected at the same time, and in the same manner, as the consolidated loan tax of said city; and all ordinances, resolutions, or other acts passed by this council after the first day of January in each year, except an ordinance to impose said consolidated loan tax, and an ordinance to impose a tax for the payment of interest on bonds which may hereafter be issued for subscription to the New Orleans, Opelousas and Great Western Railroad Company, shall be null and void, unless a resolution imposing a special tax for the payment of the interest on the bonds issued to the New Orleans, Jackson and Great Northern Railroad Company shall have been previously passed. Provided, that no levy of a tax for the payment of interest on said bonds shall be made after the payment of dividends of six per cent. per annum on the stock of said company, held by the city, which dividends shall be applied by the city to the payment of the interest. And provided further, that whenever the dividends on said railroad stock of the city shall amount

to more than six per cent. per annum, the excess, after the payment of interest, shall be applied to the purchase of the city bonds issued under the provisions of this ordinance; it being understood, that when dividends for less than six per cent. per annum are received on the railroad stock of the city, a tax for interest shall be levied for the difference only between the amount of the said annual dividends and the amount of the annual interest.

No. 624. (4.) Be it further ordained, that immediately after the passage of this ordinance, and its approval by the voters of the city, as hereinafter provided, the mayor shall cause bonds to be issued to said railroad company for a per centage of the city subscription, equal to the per centage which may have been previously called by the board of directors of said railroad company, on the subscriptions of private stockholders in the city of New Orleans; and, thereafter, he shall cause bonds to be issued to said company for the same per centage that may be demanded from private stockholders, under any subsequent call of said board.

How bonds delivered.

No. 625. (5.) Be it further ordained, that an ordinance approved May 17th, 1852, entitled "An ordinance providing for the subscription by the city of New Orleans to the stock of the New Orleans, Jackson and Great Northern Railroad Company," be and the same is hereby repealed, provided the repeal of said ordinance shall not be so construed as to relieve the city from the liability to collect and pay over to said railroad company that portion of the railroad tax imposed under said ordinance, payable in the year one thousand eight hundred and fifty-three, which has not yet been collected and paid over to said company.

Repeal of certain ordinances.

No. 626. (6.) Be it further ordained, that within fifteen days after the passage of this ordinance, and after ten days' notice in two or more of the city newspapers, to be given by the mayor, and on a day within the said fifteen days to be specified in said notice by said mayor, an election shall be held for the approval and ratification or rejection of this ordinance by the voters of the city of New Orleans, who have the right, under existing laws, of voting at city elections—said election to be conducted in the manner prescribed by law for city elections. At said election the voters who may be in favor of approving and ratifying this ordinance shall write or print on their ballots the words "For the Ordinance," and those who are opposed to said ordinance shall write or print on their ballots the words "Against the Ordinance." Provided the board of directors of said company shall

Ratification of this ordinance.

notify the mayor, in writing, before the publication of the notice of election, of their consent to accept said ordinance; and provided further, that the provisions of this ordinance for a subscription to the stock of said New Orleans, Jackson, and Great Northern Railroad Company, shall not be valid until this ordinance shall be ratified by a majority of the votes cast at the election herein ordered.

City Ordinance, No. 1463. Approved 7th April, 1854.

Right of way.

No. 627. (1.) That the right of way applied for by the New Orleans, Jackson and Great Northern Railroad Company be, and is hereby granted.

Widening of
calliope street.

No. 628. (2.) That the mayor be, and is hereby, authorized and requested to take immediate and necessary legal measures to have Calliope street widened fifteen feet on each side, from Howard to Galvez street, and fifty feet on each side of said street from Galvez street to the outer or southern line of this city, on condition that said railroad company notify the mayor, within ten days of the passage of this resolution, that it will pay all damages and expenses incurred in widening said street.

City Ordinance, No. 794. Approved 15th March, 1853.

For City Tax, see 736.

ACTS OF THE LEGISLATURE.

For act of incorporation, see acts 1853, p. 109.

Acts of subscription by State, see acts 1853, p. 142 and 262.

Providing for subscription by city, see acts 1854, p. 72.

2.—NEW ORLEANS, OPELOUSAS AND GREAT WESTERN RAILROAD COMPANY.

An Ordinance, providing for the subscription, by the city of New Orleans, to the capital stock of the New Orleans, Opelousas and Great Western Railroad Company.

City subscription

No. 629. (1.) Be it ordained by the common council of the city of New Orleans, that the mayor subscribe, on behalf of said city, for sixty thousand shares, of twenty-five dollars each, of the capital stock of the New Orleans, Opelousas and Great Western Railroad Company, amounting to one million five hundred thousand dollars.

How payable.

No. 630. (2.) Be it further ordained, that said subscription shall be payable in bonds of the city of New Orleans, for one thousand dollars each, having twenty years to run, bearing interest at the rate of six per cent. per annum, with interest

coupons attached, payable semi-annually in New Orleans or New York, as said railroad company may prefer, transferable by the endorsement of the president and secretary of said company, and convertible into the stock of said company, at the option of the holder, at any time within ten years after their date.

No. 631. (3.) Be it further ordained, that a special tax on real estate and slaves shall be levied in January of each year, sufficient to pay the annual interest on said bonds, specifying the rate of said tax, which shall be collected at the same time, and in the same manner, as the consolidated loan tax of said city; and all ordinances, resolutions, or other acts, passed by this council, after the first day of January in each year, except an ordinance to impose said consolidated loan tax, and an ordinance to impose a tax for the payment of interest on bonds which may hereafter be issued for subscription to the New Orleans, Jackson and Great Northern Railroad Company, shall be null and void, unless a resolution imposing a special tax for the payment of the interest on the bonds issued to the New Orleans, Opelousas and Great Western Railroad Company shall have been previously passed; provided, that no levy of a tax for the payment of interest on said bonds shall be made after the payment of dividends, of six per cent. per annum, on the stock of said company held by the city, which dividends shall be applied by the city to the payment of the interest. And provided, further, that whenever the dividends on said railroad stock of the city shall amount to more than six per cent. per annum, the excess, after the payment of interest, shall be applied to the purchase of the city bonds, issued under the provisions of this ordinance; it being understood, that when dividends for less than six per cent. per annum, are received on the railroad stock of the city, a tax for interest shall be levied for the difference only between the amount of the said annual dividends and the amount of the annual interest.

No. 632. (4.) Be it further ordained, that immediately after the passage of this ordinance, and its approval by the voters of the city, as hereinafter provided, the mayor shall cause bonds to be issued to said railroad company for a per centage of the city subscription equal to the per centage which may have been previously called by the board of directors of said railroad company on the subscriptions of private stockholders in the city of New Orleans; and thereafter, he shall cause bonds to be issued to said company for the same per centage that may be demanded from private stockholders, under any subsequent call of said board.

Special tax on
real estate, etc.

Bonds. how de-
livered.

Repeal of certain
ordinances.

No. 633. (5.) Be it further ordained, that an ordinance, approved May 13th, 1852, entitled "An ordinance providing for the subscription, by the city of New Orleans, to the stock of the New Orleans, Opelousas and Great Western Railroad Company," be, and the same is hereby, repealed; provided, the repeal of said ordinance shall not be so construed as to relieve the city from the liability to collect and pay over to said railroad company that portion of the railroad tax imposed under said ordinance, payable in the year one thousand eight hundred and fifty-three, which has not yet been collected and paid over to said company.

Ratification of
this ordinance.

No. 634. (6.) Be it further ordained, that within fifteen days after the passage of this ordinance, and after ten days' notice in two or more of the city newspapers, to be given by the mayor, and on a day within the said fifteen days, to be specified in said notice by said mayor, an election shall be held for the approval and ratification or rejection of this ordinance, by the voters of the city of New Orleans, who shall have the right, under existing laws, of voting at city elections; said election to be conducted in the manner prescribed by law for city elections. At said election, the voters who may be in favor of approving and ratifying this ordinance, shall write or print on their ballots the words "for the ordinance;" and those who are opposed to said ordinance, shall write or print on their ballots the words "against the ordinance;" provided the board of directors of said company shall notify the mayor, in writing, before the publication of the notice of election, of their consent to accept said ordinance; and provided, further, that the provisions of this ordinance for a subscription to the stock of said New Orleans, Opelousas and Great Western Railroad Company, shall not be valid until this ordinance shall be ratified by a majority of the votes cast at the election herein ordered.

City Ordinance. No. 1464. Approved 7th April, 1854.

*For City tax, see No. 736.

ACTS OF THE LEGISLATURE.

For the act of Incorporation, see acts 4854, p. 115.

For its amendment, see acts 1853, p. 328 and 1855, p. 212.

Act of Subscription by State, acts 1853, p. 141.

Providing for Subscription by city, acts 1854, p. 59.

*For Company's ferry privileges, etc., see, at City Hall, Ordinances No. 2290, 1698 and 1804; and relative to certain lost bonds, see Ordinances No. 2659 and 2829.

3.—NEW ORLEANS AND CARROLLTON RAILROAD COMPANY.

An Ordinance relative to the branch of the New Orleans and Carrollton Railroad Company, on Jackson street, Fourth District.

No. 635. (1.) Permission is hereby granted to the New Orleans and Carrollton Railroad Company, to continue their branch railroad on Jackson street, from St. Charles (late Nayades) street, to the head of Jackson street, and run their cars thereon, for the unexpired time of their original charter, which extends to 9th February, 1883, on condition that the said company shall, within ninety days from the passage of this ordinance, cause the track of their road to be removed from Tivoli Circle, and placed in the southwest street adjoining, sufficiently remote from the curb-stone, on either side, to admit of the free passage of the water in the gutters; and also that the said company shall, within twelve months, cause the ditches on each side of their track on St. Charles (late Nayades) street, from Tivoli Circle to Jackson street, except two squares on each side of Melpomene canal, to be filled up, and said street regularly graded, from said track to the gutters, under the direction of the city surveyor.

Permission to run.

No. 636. (2.) The foregoing privilege shall be null and void, should it conflict with the rights granted to the Lafayette and Pontchartrain Railroad Company.

Proviso.

No. 637. (3.) Said Carrollton Railroad Company shall be subject to such police ordinances and regulations as the common council shall, from time to time, deem advisable.

Subject to police ordinance.

City Ordinance, No. 2699. Approved, March 31st, 1856.

4.—PONTCHARTRAIN RAILROAD COMPANY.

(The ordinances on this subject are omitted. They can be found at the city hall, and are numbers 1577, 2080, 2543, and 2623.)

For city tax, see No. 735, and No. 736.

5.—RAILROADS GENERALLY.

ACTS OF THE LEGISLATURE.

Expropriation of lands, see acts 1852, p. 91, 1856, p. 58.

Their right to mortgage, etc., see acts 1854, p. 112.

To provide for subscription to stock by parish and municipal corporations, see acts 1855, p. 12.

To regulate corporations generally, see page 78 of this book.

To extend the powers of railroad companies, see page 83 of this book.

Relative to taxes and bonds in New Orleans, see acts 1856, p. 148, sec. 42; p. 162, sec. 117; p. 152, secs. 69, 70, 71, 72.

DECISIONS OF THE SUPREME COURT.

The act of March 12th, 1852, "providing for the subscription by the parishes and municipal corporations of this State to the stock of corporations undertaking works of internal improvement, and for the payment and disposal of stock so subscribed," is constitutional. The restrictions imposed by articles 108 and 109 of the constitution of 1852, upon the aid which the State may grant to corporations for internal improvements, is no limitation upon the aid which the legislature may authorize the police juries, etc., to grant. The burden imposed under the act of 1852 is a tax, etc. The power of taxation, and that of taking private property for public use, are distinct things; in the latter case, previous compensation must be made; in the former, though in taking a man's money you do take his property, the compensation is considered as simultaneously given in the benefit, which, as a citizen, he enjoys in common with his fellow-citizens, in the public welfare and the public prosperity, to the advancement of which the money is to be applied. The provision in the act that the contribution levied shall entitle the contributor to stock in the corporation, cannot be regarded as a grievance, and in no respect changes its character as a tax.—8 Ann. 341.

The city has the right to sue for the tax imposed under the city ordinance, passed in conformity with the act of the legislature of the 12th March, 1852. The provision of the constitution of 1845, which forbids the State to subscribe to the stock of any corporation, does not extend to such subscriptions by municipal corporations.—9 Ann. 561.

The assessment by the city authorities, on account of the subscription to railroad stock, and for the consolidated loan tax, is essentially a tax.—10 Ann. 762.

For other decisions see "Revenue."

RECORDERS.

Duty as to violation of ordinances.

No. 638. It shall be the duty of the several recorders of this city to hear and determine all complaints which may be brought before them, for the violation of every ordinance of the city, and in case any person shall be found by them guilty of any violation as aforesaid, to condemn the person or persons so found guilty, to the payment of the fine enacted for such violation, and in case of its non-payment, to an imprisonment in the parish jail for a period not exceeding thirty days, or until said fine be paid.

City Ordinance, No. 2324, sect. 3.

No. 639. That the recorders of the respective districts of Runaway slaves. the city be, and they are hereby directed to commit all runaway slaves, as well as persons of color who may be in the State in contravention of law, to the work house.

City Ordinance No. 1537.

No. 640. It shall be the duty of the recorders of the several districts of this city, to keep a book in which shall be entered daily the names, age, place of birth, profession, occupation, etc., of each person brought before them, and after examination, committed to the work-house of this city—together with the nature of the charge made against such person, the date of his commitment and the term for which he was sentenced to remain in the work-house.

To keep a book, etc.

City Ordinance, No. 2903.

No. 641. From and after the passage of this resolution, it shall be the duty of the recorders of the several districts to render a weekly account, and to pay into the treasury all fines collected by them.

To render weekly account.

See Ordinance, No. 170.

No. 642. The clerks of the recorders be, and are hereby, directed to report monthly to the common council, the amount of fines assessed, and also the amount collected in their several districts.

Monthly accounts.

City Ordinance, No. 407.

No. 643. Each of the assistant recorders elected by the common council shall, when acting as recorder, receive the same ratio of compensation as the recorder in whose place he shall act. And in case said recorder shall have no excuse, satisfactory to the council for non-attendance to his duties, said compensation shall be deducted from his salary.

Assistant recorders.

City Ordinance, No. 2161.

For Salaries of Clerks, see "Salaries," No. 748.

No. 644. That the recorder of the second district be, and he is hereby, authorized to appoint a person to clean the police station and prison of said district, provided the pay does not exceed twenty-five dollars per month.

Cleaning of recorder's office and prison.

Ordinance No. 1665.

That resolution No. 1665, approved June 30, 1854, and which authorizes the employment of a proper person to clean the police station and prison of the second district, at a salary not exceeding twenty-five dollars per month, be also made to

include the cleaning of the recorder's office of said district, without any further increase of salary.

City Ordinance, No. 2627.

For things to be purchased, see No. 582.

For necessary blank forms, see No. 567.

For Recorders' duty as to burials, etc., see No. 126.

STATE CONSTITUTION.

ART. 124. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders, aldermen and assistant aldermen shall be commissioned by the governor as justices of the peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offenses, and as the police and good order of said city may require.

ACTS OF THE LEGISLATURE.

See acts 1820, p. 22, sec. 1.

See acts 1836, sec. 19, p. 35.

Duties of recorders.

SEC. 28. That the recorders shall have their offices at such places in their several districts as the common council may deem most convenient, and shall keep the same open from nine o'clock, A. M., until three o'clock, P. M., of each day, Sundays excepted. They shall be ex-officio justices and conservators of the peace, and shall exercise all the duties now invested in and imposed by law upon the recorders of the city of New Orleans, not incompatible with the provisions of this act. They shall keep a record book, in which they shall fairly inscribe, in their order of date, the different criminal cases that may be brought before them, by noting down the cause, the nature of the complaint, the names and surnames of the witnesses, the date of the warrant and of the appearance of the accused, the decision, as well as all other proceedings had in the cause.

Salary of recorders.

Their salaries shall be two thousand five hundred dollars per annum; and no fees shall be allowed them for their own use and benefit, on any pre-

Recorder's clerks

tence whatever. Each recorder shall be entitled to one or more clerks, to be appointed by said recorder, by and with the advice and consent of the board of aldermen, and whose salary shall be fixed by the common council. Any clerk so appointed, may be removed by the recorder appointing him; but in such case, reasons for such removal shall be forthwith communicated in writing, to the board of aldermen.

Recorders pro tempore, how chosen.

SEC. 29. That the common council shall, within one week after its organization, elect, viva voce, from their own number, four persons, who alone shall act as recorders pro tempore, in the case of the sickness or absence or suspension of any one or more of the recorders; and they shall

receive, while so acting, the salary payable to said recorders, to be deducted from the salary to the same.—Acts 1856, p. 142.

Salary of recorders pro tem.

See acts 1850, p. 161, secs. 19 and 22.

See acts 1856, p. 138, secs. 10, and p. 137, secs. 6, 7 and 8, placed under head of "Officers," page 188.

SEC. 34. That whenever any person shall be accused of any breach of the peace, crime or misdemeanor, by the oath of one or more credible witnesses, it shall be the duty of the justice of the peace or committing magistrate, before whom the accusation is made, to receive the complaint and to cause the accused to be arrested and brought before him, to be examined according to law. When the person so accused shall have been brought before the justice or magistrate, it shall be his duty to examine on oath such witnesses as may appear against him, and to reduce their depositions to writing. It shall also be his duty to receive the voluntary declarations of the person accused, and the answers which, without promise or threat, he shall make to the questions which the examining magistrate shall put to him, and to cause them to be reduced to writing and signed by the prisoner in his presence and that of two witnesses; or if he cannot sign, to mention that circumstance, and to certify the declaration with his signature and that of the two witnesses, which declaration, thus certified and signed, shall be evidence before the grand and petit jury. After the examination shall be thus made, if it shall appear from the testimony of the witnesses that a breach of the peace, crime or misdemeanor has been committed, it shall be the duty of the magistrate to send the accused to jail under the custody of his constable, if the crime be punishable with death, or with imprisonment at hard labor for seven years or more.

Committing magistrates, their powers defined.

If the offense be punishable with less severe penalties, he shall set him at liberty upon his giving bond with approved security for such sum as the magistrate shall fix, according to the importance of the offense, conditioned for the appearance of the party accused at the next district court, in the parish in which the offense shall have been committed. If he be unable or refuse to give bond with such security, the magistrate shall commit him to prison until he be delivered in due course of law.

SEC. 35. That whenever a citizen of this State shall be arrested or confined out of the parish or district of his domicile on the charge of having committed any bailable offense, the magistrate may admit him to bail on the bond of sureties residing in the same parish or judicial district as the accused.

SEC. 36. That in such cases the bail bond shall be signed and executed by the sureties before a competent magistrate of the parish or district in which they reside, who shall certify the sufficiency of the bail at the foot of the bond. It shall be made returnable to the court before which the accused is ordered to appear for trial, and all proceedings thereon shall be had in the same court.

Magistrates to certify to sufficiency of bail.

SEC. 37. That every magistrate committing any person to prison shall make out a commitment, which shall be signed by him, ordering the sheriff to keep the person accused in safe and sure custody, until de-

Magistrates to sign commitments.

livered by due course of law, and shall substantially set forth the nature of the offense of which such person is accused, which commitment shall be sufficient warrant and justification to the sheriff or his deputy for the detention and imprisonment of the party so charged.

Defendant may have his witness bound over to appear.

SEC. 38. That when any prisoner or defendant, charged with having committed any crime or misdemeanor, shall swear that any witness then in the parish where he is to be tried, is material for his defense, and that he has reason to fear and verily believes that he is about to depart therefrom, it shall be lawful for the justice before whom the complaint was made, or for the court by which the prisoner or defendant is to be tried, to bind over the witness for his appearance before the court in the same manner as the witnesses on the part of the prosecution are bound over.

Justices to take depositions in writing of State witnesses and take bond therefor.

SEC. 39. That when any person is brought before any justice of the peace, charged with having committed an offense against the laws of the State, it shall be the duty of the justice to take in writing the depositions of all the material witnesses on behalf of the State, and also to take their recognizance or bond in such sum as may be reasonable, conditioned for their appearance before the court having jurisdiction of the offense, there to give evidence in the case, and not to depart without leave of the court; which depositions and recognizances or bonds shall be forthwith returned to the clerk's office of the court having jurisdiction of the case. They shall also deliver to the clerk of said court the money, goods or chattels stolen, the weapons used, the bills or obligations forged, or any other property or piece of evidence that may be used on the trial; and it shall be his duty to receive and keep the same in safe and sure custody, subject to the order of the court, taking care to preserve the identity of the same.

Breaches of peace committed or contemplated, Justices have power to commit persons or require security.

SEC. 40. That the justices of the peace shall have power in all cases in which it shall appear to them by oath that a breach of the peace has been committed, or that there is just cause to apprehend that a breach of the peace is intended, to cause the party, charged with such breach of the peace or intention of breaking the same, to be brought before them respectively, and to direct him to give such security as he may deem reasonable to keep the peace of the State, and to answer to the offense if any has been committed; and in case of refusal to give such security, to commit the party so charged to the custody of the sheriff, who shall thereupon imprison the party until he shall enter into such security as has been ordered, before the same or some other judge or justice of the parish.

Justice to specify name and surname of the offender and injured party.

SEC. 41. That it shall be the duty of every justice of the peace, to whom complaint is made of any offense against the laws of the State, to specify the name and surname of the offender, and also of the person who may have sustained the injury, in the declaration which shall be made before him of such offense, as far as he shall have knowledge thereof by inquiry made on that subject; and moreover he shall specify therein the day, month, year and place when and where the offense complained of was committed.

Attorney general or district attorney to make en-

SEC. 42. That whenever the attorney general or any district attorney shall be informed that a crime or misdemeanor has been committed, and

that no complaint or declaration thereof has been made before any judge or justice of the peace, it shall be their duty respectively to enquire ex-officio into the fact by causing all persons they shall suppose to have some knowledge of the fact to be summoned before some judge or justice of the peace, that their deposition may be taken.

quiry when informed that a crime or misdemeanor has been committed.

SEC. 43. That warrants for the arrest of any person accused of any crime or misdemeanor, issued by any judge or justice of the peace, shall be executed throughout the State, and shall authorize the arrest of the person accused upon being tacked or endorsed by some magistrate of the parish wherein the offender may be.

Judge or justice may issue warrants and authorize arrests.

SEC. 44. That when any person shall commit an offense in one parish and fly to another, on complaint thereof being made to any justice of the peace of the parish where such offender shall be found, it shall be his duty to issue his warrant, directed to the sheriff or any other proper officer, to apprehend and bring such offender before him, and if, on examination, the justice shall be of opinion that he ought to be put on trial for the alleged offense, he shall commit him to prison until he can be transferred to the parish where the offense is alleged to have been committed.

Expenses to be paid by the parish where the offense is committed.

The expenses attending the removal of such offender from one parish to another shall be allowed by the court to a reasonable amount, and shall be paid by the State treasurer.

SEC. 45. That all process in criminal cases, issued by any judge or justice of the peace of the parish of Orleans, against persons charged with crimes or misdemeanors, shall be executed throughout the parish of Jefferson by the officers charged with the execution thereof, without being endorsed by any judge or justice of the parish of Jefferson.

Process in criminal cases in New Orleans may be executed in the parish of Jefferson without endorsement.

SEC. 46. That all process in criminal cases, issued by any judge or justice of the peace of the parish of Jefferson, against persons charged with crimes or misdemeanors, shall be executed throughout the parish of Orleans, by the officer charged with the execution thereof, without being endorsed by any judge or justice of the peace of the parish of Jefferson.

Process in Jefferson can be executed in Orleans the same way.

SEC. 47. That it shall be lawful for any judge or justice of the peace to issue a warrant of search for stolen goods, on the oath of any creditable person, particularly describing the place suspected and intended to be searched.

Judges and justices may issue search warrants for stolen property.

It shall be lawful for him to issue his warrant to search any ship, vessel, or other water craft, or any house, plantation, or other place, whenever any person shall apply for the same, and shall swear that he has strong reasons to believe and suspect that some slave of his own, or belonging to some person for whom he is acting by virtue of a power of attorney, or other authority to claim such slave, as the case may be, is concealed therein. The search warrant granted must expressly mention the name of the ship, vessel, or other water craft, or the particular place, house or building in which the search is to be made.—Acts of 1855, p. 155.

DECISION OF SUPREME COURT.

In creating the office of recorder, the framers of the constitution evidently intended to place it on the same footing as that of the other justices of the peace in the State, so far as to make them a component part of our judiciary department.—10 Ann. 730.

See Art. 124, State Constitution, p. 226.

RECORDER OF CONVEYANCES.

ACT OF THE LEGISLATURE.

An Act creating a Register of Conveyances for the parish of Orleans.

Register of conveyances to be appointed every fourth year.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That there shall be appointed by the Governor, by and with the advice and consent of the senate, an officer with the title of register of conveyances for the parish of Orleans, whose appointment shall be renewed every fourth year.

Register's bond.

SEC. 2. That he shall furnish the Governor of the State a bond, in a sum of fifteen thousand dollars, with good and sufficient security of two freeholders in the parish of Orleans, for the faithful performance of the duties that are imposed upon him by law.

Deputy.

SEC. 3. That he may appoint a deputy, provided, however, that he shall be responsible for his acts. The deputy shall take the oath prescribed by the constitution.

Office of register where kept.

SEC. 4. That it shall be his duty to keep his office in as central a situation as possible, and in a brick house, and to keep his record books open to the inspection of all persons, and to deliver to them certificates of the inscriptions that may have been made, if they require the same; which certificates when signed by the register, and sealed with the seal of office, which it shall be the duty of said register to keep, shall be received in courts of justice in evidence in the same manner as all other public acts.

Duty of register.

Register authorized to open several records.

SEC. 5. That the register is authorized to open as many records at a time as may be necessary; they shall be numbered and paraphed by a judge of the district. He shall register all acts of transfer of immovable property or slaves, passed in the city and parish of Orleans, which shall be presented to him, in the order in which said acts shall have been delivered to him, to be registered, and in the following manner:

His duties.

Manner of recording notarial acts.

SEC. 6. That when said acts of transfer of property shall have been passed before a notary public, it shall be sufficient that the registering of said acts be made, on a certificate being presented from the notary, who shall have passed said act, containing:

First—The date of the act, and the place where it was passed.

Second—The names, surnames, and qualities of the contracting parties.

Third—A description of the immoveable property or slaves which have been transferred, with all necessary details.

Fourth—The price of the transfer, whether paid in ready money, or on time; in the latter case what the terms and conditions are.

SEC. 7. That whenever acts of transfer shall have been passed under private signature, said register shall register them in toto, with an act ascertaining the signatures, if the contracting parties wish the registry of the act to be accompanied with an act ascertaining their signatures.

Manner of registering acts under private signature..

SEC. 8. That whenever an act under private signature shall be taken to said register to be recorded, as required by the preceding section, he may, if thereunto requested by the parties, take an acknowledgment of their signatures, which acknowledgment shall be recorded with the said act under private signature.

Register authorized to take acknowledgment of signatures.

SEC. 9. That acts, whether they are passed before a notary public or otherwise, shall have no effect against third persons, but from their day of being registered.

Acts not registered to have no effect against third persons.

SEC. 10. That the said register shall in no wise make any of the inscriptions, nor deliver any of the certificates which by law the recorder of mortgages in New Orleans has the right of making and delivering.

The register cannot perform duties assigned to recorder of mortgages.

SEC. 11. That in no case shall said register be entitled to pass any of the acts that notary publics are entitled to pass.

He cannot pass notarial acts.

SEC. 12. That whenever a notary shall neglect to send to said register an extract of the act by him passed, the register is authorized on the production of an authentic copy of said act to record only an extract thereof, containing the same clauses as are to be contained in the extracts which notaries are authorized to deliver.

Record of abstract of act which register is authorized to make.

SEC. 13. That the register of conveyances of the city of New Orleans shall be entitled to the following fees of office, and no other nor greater fees shall ever be received or demanded by him: for each registry of a conveyance, one dollar; for each alienation, or any other certificate required of him, fifty cents.

Fees of register.

SEC. 14. That it shall also be the duty of the register of conveyances, every month to transfer to the board of assessors of New Orleans, a list of all conveyances recorded in his office during the month.

List to be transferred monthly by register to board of assessors

SEC. 15. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 345.

Certain laws repealed.

RECORDER OF MORTGAGES.

ACTS OF THE LEGISLATURE.

An Act creating a Recorder of Mortgages for the Parish of Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the Governor shall nominate, and by and with the advice and consent of the senate, appoint a recorder of mortgages for the parish of Orleans, who

Recorder of mortgages to be appointed by the governor.

His term of office. shall hold his office for two years, and until his successor shall be duly appointed and qualified.

His bond. SEC. 2. That he shall furnish to the Governor of the State his bond, with one or more securities, to the amount of forty thousand dollars, for the faithful execution of the duties required of him by law, and for the payment of such damages as may be sustained by his failure to discharge such duties.

Deputy recorder. SEC. 3. That he is authorized and empowered to appoint a deputy, whose duties shall be the same as those of said recorder; provided, that he and his sureties shall be responsible for the official acts of said deputy.

Certain laws repealed. SEC. 4. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts 1855, p. 321.

See Acts 1855, p. 406.

REGISTRY.

ACTS OF THE LEGISLATURE.

An Act relative to Registry.

Notarial acts to be recorded. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That no notarial act concerning immoveable property, shall have any effect against third persons, until the same shall have been recorded in the office of the parish recorder, or register of conveyances of the parish where such immoveable property is situated.

Manner and place of recording certain acts. SEC. 2. That all sales of lands or slaves made by any sheriff or other officer, by virtue of any execution; all marriage contracts made within this State, tending in anywise to convey, transfer, assure, or effect the estates of the parties, or being only intended to ascertain the dotal rights of the wife, or that her marriage portion is liable to some reserves, or stipulated to be paraphernalia, or extra dotal property; all final judgments shall be recorded as follows, to wit: where lands or other immoveable property are to be affected, the recording shall be in the parish where the lands or other immoveable estates shall be situated, and when slaves are to be affected, then in the parish where the party, whose estate is to be affected, shall have his domicile. And all sales, contracts, and judgments, which shall not be so recorded, shall be utterly null and void, except between the parties thereto. The recording may be made at any time, but shall only effect third persons from the time of the recording.

Said acts to be null if not recorded. When said record affects third persons.

Certain laws repealed. SEC. 3. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 335.

REGISTRY OF BIRTHS AND DEATHS.

ACTS OF THE LEGISLATURE.

An Act to provide for the Registry of Births and Deaths.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall be the duty of all the parish recorders of the State to record all the births of white persons in a book bound and kept for that purpose, by order of dates, and likewise to record all deaths of white persons in another book kept in the same manner.

Record of births and deaths to be kept by recorders.

SEC. 2. That it shall be the duty of the parish recorder to receive declarations of births within eight days from the birth. They may however extend that delay to two months after the birth, when a declaration could not be made sooner, on account of the persons, who are to make the same, living at a distance, or being prevented by sickness or other lawful impediment.

Delay for receiving declarations of births.

SEC. 3. That the birth of a child shall be declared by his father, or in case the father could not make the said declaration, by any other person who may have been present at the birth of the child, and the said birth shall be immediately recorded in the presence of two witnesses.

Birth, by whom declared, and how recorded.

SEC. 4. That the said records shall contain the day, hour and place of birth, the sex of the child, and the first name or names given to the child, the first name or names, profession and residence of the father and mother, and the names of the witnesses.

Record, what to contain.

SEC. 5. That deaths shall be recorded by the parish recorders, upon the declaration of two witnesses, who shall be, if possible, the two nearest relatives or neighbors of the deceased, or when a person shall have died out of his house, the person at whose house he shall have died, with a relation or another.

Declaration of death, by whom to be made.

SEC. 6. That the record of deaths shall contain the name in full, age, trade and residence of the deceased, the name in full of the surviving consort, if the person deceased was married, or a widower, or a widow, the name, age, profession and residence of declarants, and if they be relatives, their degree of relationship. The same record shall contain, as far as the same may be ascertained, the christian names, profession and residence of the father and mother of the deceased, and the place of his or her birth.

Record of declaration of death, what to contain.

SEC. 7. That there shall be kept, for the recording of births and deaths of free people of color, books similar to those which shall be kept for white persons, and the formalities above prescribed concerning white persons shall be observed with respect to people of color.

Record of births and deaths for free people of color.

SEC. 8. That no person out of the parish of Orleans shall be under any legal obligation to have a birth or death recorded.

Out of the parish of Orleans, no person obliged to have births or deaths recorded. Delay for declaring births in N. Orleans.

SEC. 9. That the birth of every free child in the parish of Orleans shall be declared therein within thirty days, as provided in the preceding sections. Every person offending against the provisions of

Penalty for not conforming to same. this section shall pay a fine of not less than five nor more than ten dollars, one-half for the benefit of the informer.

Delay for declaring deaths in N. Orleans. SEC. 10. That the death of every free person within the parish of Orleans shall be declared therein within thirty days. This declaration shall be made by the nearest relations of the deceased if they are present, and in case of absence, by the testamentary executor, if there is one; if none, by the owner of or tenant of the house in which the individual died; and every person offending against provisions of this section shall be fined not less than five nor more than ten dollars.

Penalty for not recording thereto.

Recorder of births and deaths in New Orleans.

SEC. 11. That for the parish of Orleans, there shall be an office of record of births and deaths, whereof the officer shall be appointed by the Governor.

Fee for recording birth or death.

SEC. 12. That for every record of birth and death, and for registering the same, henceforward the sum of fifty cents shall be allowed.

Certain laws repealed.

SEC. 13. That all laws or parts of laws conflicting with the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed.—Acts of 1855, p. 41.

REGISTRY OF VOTERS.

ACTS OF THE LEGISLATURE.

An Act providing for the registry of the names and residence of all the qualified electors of the city of New Orleans, according to article eleventh of the constitution of the State.

Appointment of register. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That there shall be appointed by the Governor of this State, by and with the advice of the Senate, for the period of four years from the fourth Monday of January, one thousand eight hundred and fifty-six, a discreet citizen of the city of New Orleans, as register of the names and residence of all the qualified electors of said city, as contemplated by the eleventh section of the constitution of this State, whose duty it shall be to register the names and residence of all the qualified electors of said city, in a well bound book, which he shall keep for that purpose, to be called "Original Registry of Voters," in which he shall register, day by day as they appear, the names and residence of all the qualified electors of the city of New Orleans.

His duty to register names and residence of voters in "original registry" book.

Names of what persons to be registered.

SEC. 2. That it shall be the duty of the register, only to place on the registry the names and residence of such citizens as, by the constitution and laws now existing, or which shall hereafter be enacted, may be entitled to vote; and in the performance of his duties he shall conform to the following directions:

Form of registry

1st. The registry book shall contain opposite the name and residence of the elector registered, proper divisions showing the date of the registry,

how long he has resided in the State, parish or precinct, whether a native or naturalized citizen, and how, when and where naturalized, and the signature of the elector opposite the registry of his name, and when he knows not how to write, his mark to be witnessed by the register.

SEC. 3. That every citizen naturalized, in any of the State or Federal courts, before his name shall be registered, under the provisions of this act, shall produce the certificate of his naturalization, unless he makes affidavit that he has lost the same, and in such case the certificate of naturalization shall be supplied by a certificate of the clerk of the court which granted the naturalization, setting forth the facts as appearing on the records of his court; and on application to the clerk of any court of this State, said clerk shall deliver a certificate to such naturalized citizen, free of charge, within one week after application therefor, and should the clerk refuse to do so, he shall be subject to a fine of one hundred dollars, recoverable by the applicant before any court of competent jurisdiction of this State.

Evidence to be produced by naturalized citizens.

Duty of clerks to furnish certificates.

Penalty for not so doing.

SEC. 4. That should the applicant for registry not have been born within the limits of the United States, and has afterwards become a citizen thereof, otherwise than by naturalization in the courts, then he shall set forth the facts in an affidavit, stating the particular circumstances whereby he has become a citizen; such as by the naturalization of his father, by residence in any State or Territory when the same was acquired or ceded to the United States or become a State of the Union, or in any other manner whereby, under the laws of the United States, he would become by the fact itself, a citizen of the United States.

Affidavit to be made by certain persons not born citizens of the United States.

SEC. 5. That the register shall issue to every citizen, when his name is registered, an original certificate corresponding in name, residence, number and date, with the original registry, and the presentation of such certificate, if required by the commissioner of election, shall make full proof of the facts contained therein, and of the elector's right to vote at the date of the granting of such certificate. But where the name of the elector shall appear on the list required to be furnished by the register to the commissioners of election, they shall not have the right to require the production of the certificates of registry; where such certificates are issued to naturalized citizens, they shall set forth, besides the facts above mentioned, the time and place of naturalization, and the court, before which such naturalization has been granted, and in cases where the naturalization papers or the certificate thereof were not presented to the register, or where naturalization resulted from the law, the fact shall be stated succinctly but clearly in the certificate.

Certificate to be furnished to citizens by the register.

SEC. 6. That in the event of the loss or destruction of any certificate issued by the register, the elector to whom it was issued shall, on personal application to the register, require and obtain from him a copy of the original certificate: Provided he will make affidavit of the fact of loss or destruction, and which affidavit shall be written and appear on the back of the duplicate, which it is the duty of the register to issue to him; and in such case the register shall make an entry in the original registry, of the fact of a duplicate certificate having issued, and the reason thereof, and the date of the same; said duplicate certificate shall bear the

Duplicate certificate to be given in certain cases.

date of the original, and the date of the affidavit shall be considered the date of the issuance of such duplicate.

Change of domicile to be noted on registry and certificate thereof given.

SEC. 7. That on change of domicile, whereby the registered elector becomes resident in another precinct, than that of his original or last registry, he shall in person notify the register of the fact, who shall make entry thereof on the original registry, and certify such fact on the original certificate or the duplicate thereof, which may have been granted.

Registry to be made and certificate given in case of re-acquisition of residence.

SEC. 8. That when by the laws now in force, or which may hereafter be enacted, a regularly registered elector shall have lost his domicile, by reason of his removal or absence from the State or otherwise, he shall, on a resumption of or a re-acquisition of his domicile, cause his name and residence to be again registered on the original registry, in the same manner as if he had not been previously registered.

Judicial proceedings to enforce registry.

SEC. 9. That should the register illegally refuse to register the name and residence of a qualified elector, who, in the presence of another qualified elector, shall have presented himself for registry, and did comply or offer to comply with the provisions of this act, such elector shall have the right of citing said register before any one of the district courts of the city of New Orleans, to show cause within three days after service of such citation, why he shall not make such registry; and the judge of said court shall summarily try such issue, and in the event of no sufficient cause being shown, and on the proof of the complainant's right to be registered, under the laws now in force or which may be hereafter enacted, the said judge shall render judgment in favor of the complainant, and shall issue his mandate to the register requiring him to register the name and residence of the complainant: Provided, however, that no mandate of this nature shall require the registry of any name or residence of any person during the period of time when the registry book is required by the tenth section of this act to be closed.

Registry, when to be kept open.

SEC. 10. That the register shall keep the registry open every day in the year, from nine o'clock in the morning until three in the afternoon, except Sundays and other days which, by existing laws, are made holidays, and may keep his office open till sundown; but he shall not permit any original registering in his office within three days before any general election for State officers, or any general election for city officers, but the office shall remain open for all the other purposes of this act.

Books to be kept by register.

SEC. 11. That besides his original general register herein before described, the register shall keep an index thereof, in which he shall copy all the names, alphabetically arranged; and he shall besides keep a precinct registry for each precinct, in which he shall copy from the original register, the registry of the voters of each precinct arranged in alphabetical order; such precinct books shall, as far as practicable, be written up day by day from the original registry.

Certified copy of precinct registry, to be delivered to the commissioners of general elections by the register.

SEC. 12. That the register shall, on the morning of any general election at the opening of the poll at each precinct in the city, deliver in person or by deputy to the commissioners of election, a duly certified copy, written in a fair hand writing, of the precinct registry, of all the names and residences of qualified electors as they appear on his register, alphabetically arranged, for the respective precincts of the city, with

one inch margin on the left hand side; and it shall be the duty of the commissioners of elections, whenever an elector shall have voted, to mark on said margin opposite his name, the word "voted," in a fair and legible hand. Should the register fail in this duty, or any other duty required by any of the provisions of this act, he shall forfeit his salary or fees of office, or so much thereof, according to the gravity of his act of commission or omission, as shall be decided in a suit or suits to be brought against him in either of the courts of the parish of Orleans, by the attorney general of the State, in the name of the State of Louisiana; but said register shall have the right of appeal to the Supreme court of the State, and in the mean time, the governor may suspend him from his functions and appoint a substitute, who shall thereby assume all the powers and incur all the responsibilities of the suspended register.

Penalty in case register should fail in any duty under this act.

Governor may appoint a substitute in certain cases.

Sec. 13. That should the gravity of the violation of the spirit and intention of the provisions of this act, in the opinion of the executive of the State, warrant the removal of such register, he shall appoint a successor to serve out the unexpired term of four years, and such successor, or any subsequent successor, shall be liable to the same suspension or removal, at the pleasure of the executive; and the said executive shall, however, assign his reasons therefor to the senate at the first meeting of the legislature thereafter.

Power of governor to remove the register and appoint his successor.

Sec. 14. That the penalties and liabilities herein created, shall in no manner exempt the register, or his substitute or successor from any liability to answer in damages to any citizen, whether the elector or candidate who can establish by suit, brought in any district court of the parish of Orleans, that he has been injured in the political rights secured to him by the constitution and laws of this State by the act of such register, or other appointed in his lieu, and stead; and the complainant shall not be required to lay or prove any special damages other than the injury to his political rights.

Register liable in damages in certain cases.

Sec. 15. That the possession of the certificate of registry, issued to the legally registered elector, shall be the evidence of his legal registry and shall be conclusive evidence of that fact, and any mistake or omission of the register to place his name on the certified lists of registry to be furnished to the commissioners of the different precincts shall in no manner effect such elector's right to vote, so far as the fact of legal registry is in question, and the commissioners shall not have any power or discretion to refuse to receive his vote on the ground of or for the reason that his name has been omitted in the list so furnished by the register, and the commissioner or commissioners so refusing shall in solido be fined in a sum of not more than one thousand dollars and imprisonment for not more than one year, after conviction on trial before the first district court of New Orleans, or indictment for information, and shall moreover be answerable to the rejected elector, on suit brought by him before any court of the parish of Orleans, in such sum as the jury may in verdict award to him, and he shall not be required to prove any special damages further than his being, by the act of the defendant, deprived of his legal right of suffrage.

Certificate to be conclusive evidence of a right of vote.

Penalty.

Bond and security to be furnished by register.

SEC. 16. That the person appointed register shall give a bond, with security to be approved and taken by the attorney general of the State, in the sum of ten thousand dollars, payable to the Governor of the State, and his successors in office, conditioned for the faithful discharge of his duties as such according to law, and which bond shall be filed with the treasurer of the State, who shall, on application, deliver to any person who may apply therefor a certified copy thereof, and in the event of any judgment obtained under this act by the State of Louisiana, or any citizen thereof, against the said register, the surety or sureties on said bond shall, on a return of nulla bona to an execution issued against the register, be liable to an action on the bond, and the certified copy shall make proof as fully as the original bond.

Oath of office.

The said register shall take the oath prescribed by the ninetieth article of the constitution of the State, before any judge or justice of the peace.

Register authorized to administer certain oaths.

SEC. 17. That said register is hereby vested with the power to administer all oaths which are necessary for the proper exercise of the duties required of him by the provisions of this act, and any person who shall be convicted of having taken any false oath before him shall be deemed and held to be guilty of the crime of perjury, and shall be liable to the penalties provided by law for the punishment of that crime.

Salary of register

SEC. 18. That the register shall, while in office, receive the sum of five thousand dollars per annum, payable quarterly; provided however, that the said salary may be reduced by act of the legislature, at any time or times after the first year of office; and provided that such reduction shall only begin from and after the current year in which such act is passed, which salary shall be paid by the city of New Orleans, and the said city of New Orleans shall provide a suitable office for the register in the city hall of said city.

Salary by whom paid.

Register's office.

Books to be provided by the city.

The city of New Orleans shall provide the register with proper books for his office, with blank certificates and stationery, and the register shall not be permitted, directly or indirectly, to charge any fee or require or receive from any elector any compensation for the performance of any of his official duties.

Register not to charge fees.

Register authorized to appoint one deputy.

SEC. 19. That the register shall have the right of appointing one deputy, to be paid by himself, for whose acts he shall be responsible; said deputy is hereby authorized to perform and fulfill all the duties and functions incumbent on said register by this act, in the same manner as the register himself, but the powers of said deputy shall cease with the suspension or removal of said register, and said register shall administer to his deputy the oath required by the ninetieth article of the constitution.

Persons having complied with this act after first Monday in October next shall have the right to vote.

SEC. 20. That from and after the first Monday of October next any person having complied with the provisions of this act shall be entitled to vote, and whenever the right of any person shall be challenged at the polls, the certificate of registry issued to such person shall be held conclusive of the right of said person to vote, and no commissioner or commissioners of elections shall require, under the pains and penalties imposed by the sixteenth section of this act, any other evidence of the

right of said person to vote, except that portion of the oath prescribed by article ninetieth of the constitution respecting dueling, and the following oath or affirmation, viz: You solemnly swear (or affirm, as the case may be) that you are the identical person described in and to whom this certificate was issued, and that you are not a soldier, seamen or marine in the army or navy of the United States, nor under conviction of crime punishable by hard labor, nor a pauper.

Oath they may be required to take.

SEC. 21. That no person shall be entitled to vote who shall not have registered his name in pursuance with the provisions of this act.

No person entitled to vote whose name shall not be registered. Certain acts repealed.

SEC. 22. That the act entitled "An act to provide for the registry of the names and residences of all the qualified electors in the city of New Orleans," approved 16th March, 1854, be and the same is hereby repealed,—Acts of 1856, p. 131.

REVENUE—TAXES AND LICENSES.

An Ordinance to establish a uniform rate of Taxes and Licenses on Professions, Callings, and other business, and on Carriages, Hacks, Drays, and other Vehicles.

Be it Ordained by the common council of New Orleans, That from and after the first day of January, 1857, the taxes and licenses for professions, callings, and other business, throughout the city and parish shall be fixed, assessed and collected, at the rates and sums specially set forth in the following sections :

No. 645. (1) On every agent of a bank not incorporated in the State of Louisiana, engaged in buying or selling exchange, five hundred dollars.

Bank agencies.

No. 646. (2.) Each and every insurance company, doing business in the city of New Orleans, and each and every agency of an insurance company, foreign or otherwise, doing business in said city, shall pay an annual tax or license of one per cent. on the gross amount of their premiums for fire risks, the same to be assessed upon their last annual statement; and in case no annual statement has been made, then the above said tax of one per cent. shall be assessed upon their quarterly statements, which shall be furnished to the city treasurer: Provided, that in no case shall said tax be less than the sum of five hundred dollars upon each and every insurance company or agency aforesaid. All companies or agencies not doing a fire insurance business (excepting life agencies) to pay five hundred dollars license or tax; and all agencies doing a life insurance business only, one hundred dollars.

Insurance companies and agencies.

- Theatres and amphitheatres. No. 647. (3.) On every keeper or lessee of a theatre or amphitheatre, three hundred dollars.
- Race courses. No. 648. (4.) On each and every race course, five hundred dollars.
- Cock pits. No. 649. (5.) Every keeper of a cock-pit, two hundred and fifty dollars.
- Slave marts. No. 650. (6.) On every establishment where negroes are kept for sale, five hundred dollars.
- Private banking houses, etc. No. 651. (7.) On every private banking house or firm, or person or persons buying and selling bills of exchange, other than bills drawn upon shipments made by the parties themselves or remittances for sales of produce made by them, three hundred dollars.
- Pawn brokers. No. 652. (8.) Every pawnbroker, two hundred and fifty dollars.
- Money brokers. No. 653. (9.) Every money broker, dealer in uncurrent money, or in gold and silver, bullion, or gold dust, two hundred and fifty dollars.
- Hotels and boarding houses. No. 654. (10.) Every keeper of a hotel or boarding house, accommodating one hundred persons or more, three hundred dollars.
- Coffee houses, etc. No. 655. (11.) Every keeper of a grog shop, bar room, tavern, cabaret, coffee house, beer house, pleasure garden, theatre, saloon, ball room, club room, or other establishment whatever, wherein spirituous or malt liquors are sold by the glass, or wherein spirituous or malt liquors are drank on the premises, one hundred and seventy-five dollars.
- Wholesale liquor dealers, etc. No. 656. (12.) On every merchant doing both a wholesale and retail business, or wholesale business alone, where liquors are sold, one hundred dollars.
- Eating houses selling liquors. No. 657. (13.) On every restaurant or eating house, where liquor is sold at the bar, one hundred and seventy-five dollars.
- Cotton presses. No. 658. (14.) On every keeper or lessee of a cotton press, on each press, one hundred and fifty dollars.
- Grocery stores, etc., selling liquor by quart. No. 659. (15.) On every keeper of a grocery, confectionery, store or shop, doing exclusively a retail business, in which spirituous or malt liquors are sold by quantities not less than an ordinary wine bottle or quart, and where the same is not drank on the premises, when sold, fifty dollars.
- Jewelry stores. No. 660. (16.) On every keeper or owner of a jewelry store doing both a wholesale and retail business, seventy-five dollars.

No. 661. (17.) Every stock note and exchange broker, one hundred and fifty dollars. Stock brokers, etc.

No. 662. (18.) Every cotton broker, one hundred dollars. Cotton brokers.

No. 663. (19.) Every cotton pickery, one hundred dollars. Cotton pickeries.

No. 664. (20.) Every keeper of a restaurant or eating house, where no spirituous liquors or malt liquors or wines are sold or retailed at a bar, and where no liquors or wines are sold or furnished, otherwise than as necessary to meals or repasts in the establishment, one hundred dollars. Restaurants, etc.

No. 665. (21.) Every merchant doing both a wholesale and retail business, of whatever class, where spirituous or malt liquors are not sold, seventy-five dollars. Merchants generally.

Amended. See No. 742.

No. 666. (22.) Every keeper of a stable where horses, carriages, wagons, or buggies are kept for hire or sale, the whole tax being levied on each and every stable kept, seventy-five dollars. Livery stables.

No. 667. (23.) Every merchant, trader, or dealer of whatever kind, doing both a wholesale and retail business, and not previously specified by this ordinance, whatever be the kind of merchandise he deals or trades in, and where no spirituous or malt liquors are sold, seventy-five dollars. Merchants generally.

Amended. See No. 739.

No. 668. (24.) On every commission merchant, one hundred dollars. Commission merchants.

No. 669. (25.) On every auctioneer, one hundred dollars. Auctioneers.

No. 670. (26.) On every private hospital, seventy-five dollars. Private hospitals.

No. 671. (27.) Every shipping master, ship agent or stevedore, one hundred dollars. Shipping masters stevedores, etc.

No. 672. (28.) Every keeper of a coal or lumber yard, seventy-five dollars. Coal or lumber yards.

No. 673. (29.) Every coal agent, one hundred dollars. Coal agents.

No. 674. (30.) Every produce or merchandise broker, hay weigher or cotton weigher, sixty dollars. Produce brokers, weighers, etc.

No. 675. (31.) Every establishment for the bottling of malt liquors and wines, sixty dollars. Places for bottling liquors, etc.

No. 676. (32.) Every keeper of a warehouse where produce, goods, wares or merchandise are received on storage, the whole tax being levied on each and every warehouse kept, sixty dollars. Warehouses.

Amended. See No. 739.

Ship brokers.	No. 677. (33.) Every ship broker, sixty dollars.
Billiard tables.	No. 678. (34.) Every keeper of a billiard table, the whole tax being levied on each and every billiard table, sixty dollars.
Ten pin alleys.	No. 679. (35.) Every keeper of a ten-pin alley, the whole tax being levied on each and every alley, sixty dollars.
Pistol galleries.	No. 680. (36.) Every keeper of a pistol gallery, the whole tax being levied on each and every gallery, sixty dollars.
Mills, Factories, brick yards, etc.	No. 681. (37.) Every saw mill, planing mill, sash and blind factory, and brick yard, sixty dollars.
Retail cigar stores.	No. 682. (38.) Every retail cigar store, sixty dollars.
Printing offices.	No. 683. (39.) Every printing office doing job work, twenty-five dollars.
Hotels and boarding houses.	No. 684. (40.) Every keeper of a hotel or boarding house, accomodating not less than twenty persons, nor more than one hundred persons, sixty dollars.
Job boats.	No. 685. (41.) Every job boat plying in the waters of the port, sixty dollars.
Undertakers.	No. 686. (42.) Every undertaker, sixty dollars.
Steamboat agents.	No. 687. (43.) Every steamboat agent, seventy-five dollars.
Hawkers and peddlers.	No. 688. (44.) Every hawker or peddler, thirty dollars.
Contracts generally, builders, etc.	No. 689. (45.) On every master, builder, or other persons taking contracts of whatsoever nature, as contractor or sub-contractor, such as building, bricklaying, plastering, slating, painting and paving, employing three or more hands, and each lessee of the revenues of the markets of this city, and all other persons not herein enumerated as contractors or sub-contractors, etc., shall pay a license of twenty-five dollars.
Retail business generally.	No. 690. (46.) On every person doing exclusively a retail business, and where no liquors are sold, twenty-five dollars.
Real estate, and house brokers.	No. 691. (47.) On every real estate or housebroker seventy-five dollars.
Dairies.	No. 692. (48.) On every dairy consisting of more than five cows, twenty-five dollars.
Confectionaries.	No. 693. (49.) On every confectionary, where liquors are not sold, twenty-five dollars.
Charcoal dealers.	No. 694. (50.) On every charcoal dealer, twenty-five dollars.
Fruit stores and stands.	No. 695. (51.) On every fruit store, and on each and every fruit stand where fruits alone are sold, twenty-five dollars.
Ice cream saloons.	No. 696. (52.) On every keeper of an establishment where ice creams or sherbets alone are sold, ten dollars.
Oyster stands.	No. 697. (53.) On every keeper of an oyster stand where oysters in the shell alone are sold, fifteen dollars.

- No. 698 (54.) On every intelligence office, twenty dollars. Intelligence offices.
- No. 699. (55.) On every veterinary doctor, twenty dollars. Veterinary doctors.
- No. 700. (56.) Every owner and keeper of a distillery of spirituous or alcoholic drinks, two hundred dollars. Distilleries.
- No. 701. (57.) Every brewer of malt liquors, two hundred dollars. Brewers.
- No. 702. (58.) Every manufacturer of cordials or syrup, seventy-five dollars. Makers of syrups etc.
- Repealed. See No. 740.
- No. 703. (59) Every manufacturer of soda, or mineral water, to be sold at wholesale, twenty-five dollars. Makers of mineral waters.
- Repealed. See No. 740.
- No. 704. (60.) Every soap boiler, triar of tallow, tannery, bone black, bisulphate of lime, camphene or spirits of gas manufacturer, sugar or molasses boiling manufactory, iron foundry, brass foundry, or gas fitting shop, sixty dollars. Manufacturers, etc., soap boilers, etc.
- Repealed, see No. 740.
- No. 705. (61.) For each and every public ball or raffle, which tax shall be paid before the mayor shall issue a license therefor, fifteen dollars. Balls and raffles.
- No. 706. (62.) The tax on drays, carts, etc., shall be eighteen dollars per annum, and the price of branding and numbering, as fixed by the adjudication for that service. Provided that such carts or wagons as used by the owners for their own use exclusively as market carts, or in hauling to and from the stables of the owner, may be furnished with a red number, upon the payment of a license of five dollars and twenty-five cents for the number. Drays, carts, etc.
- No. 707. (63.) The taxes on hacks, stages and other two-horse carriages, shall be twenty-five dollars per annum, and on cabs and other one-horse vehicles, eighteen dollars per annum. Two horse hacks, etc.
- No. 708. (64.) A tax of fifty dollars shall be levied annually on trucks, timber wheels or other four-wheeled carriages used for hauling more than 2500 pounds at a load, and such trucks or four-wheeled carriages shall not have less than five inch tires. Four wheeled hauling vehicles.
- No. 709. (65.) A tax of thirty dollars shall be levied annually on all four-wheeled wagons, drawn by two or more animals, and used for the transportation of beer, ale, porter, mineral water, bricks, sand, stone, etc. Four wheel wagons.
- No. 710. (66.) Every omnibus drawn by two or more horses or mules, shall be taxed thirty dollars per annum. Omnibuses.
- No. 711. (67.) Every omnibus shall be numbered in a conspicuous place, the number to be of the same dimensions as those Omnibuses to have numbers, etc.

for a dray, and every omnibus shall have lamps; and for every contravention of said section, the owner thereof shall pay a fine of twenty-five dollars.

Private carriages No. 712. (68.) The tax on any private carriage, kept for the pleasure or use of the owner, and drawn by two or more horses, shall be twenty dollars per annum; and for other private vehicles drawn by one horse, ten dollars per annum.

Branding and numbering. No. 713. (69.) All drays, carts, omnibuses, trucks and timber wheels, and wagons, shall be branded with their number, and the last numeral of the year in a circle; provided, that owners of grocery, express, baggage and other private wagons shall not be compelled to have the same branded and numbered, but must have their name and residence painted in full on each side of said vehicle.

Public exhibitions, etc. No. 714. (70.) Every transient theatre, circus, menagerie, or other public exhibition or show, shall pay in advance, a tax of ten dollars for each day's performance for the first ten days, and five dollars per day thereafter, unless the same takes place in one of the establishments on which the annual tax has been paid; and every violation of this section shall be punished by a fine of twenty-five dollars, enforced by imprisonment, as the law directs.

Every partner to pay. No. 715. (71.) Each partner of a firm shall pay the full amount of tax on the profession, trade, calling or business, in which the firm is engaged, or follows.

Lawyers, physicians, etc. No. 716. (72.) Each attorney and counsellor at law, physician, surgeon-dentist, practising or pursuing their respective professions or callings, ten dollars.

Persons having several stores, etc. No. 717. (73.) Every person having more than one shop or store, or other establishment, or who shall exercise or follow more than one profession, trade, calling, or business, shall pay the tax upon each separately.

Liquor tax separate, etc. No. 718. (74.) In all cases the tax imposed for vending spirituous or malt liquors, or wines, by quantities less than a bottle or quart, shall be assessed and collected separately and independently; and any person who in connection with, or addition to, the sale of spirituous liquors or wines, by less quantities than a bottle or quart, shall keep any grocery or other merchandise for sale, shall pay also the tax imposed upon said business so connected or added.

Licenses, their transfer, etc. No. 719. (75.) No person shall exercise or follow even transiently or temporarily any of the trades, professions or callings, or other business, taxed by this ordinance, without first paying

the tax due upon the same and obtaining from the proper officers of the city a receipt or license for the same, in conformity with existing ordinances, nor shall such license be transferred unless by consent of the treasurer endorsed in writing upon said license, under the penalty of a fine not less than fifteen nor exceeding one hundred dollars.

See No. 166.

No. 720. (76.) Every person connected with or following any of the branches of business enumerated in this ordinance, who shall refuse or neglect to declare their names to the treasurer, as well as the nature of their business, shall pay a fine of from fifteen to one hundred dollars for each offense, which penalty shall be enforced by imprisonment not exceeding thirty days. Certain declarations to be made, etc.

No. 721. (77.) Keepers of private boarding houses capable of accomodating less than twenty boarders, shall be exempt from paying any tax for the same ; provided, that within the first month of each year, for houses already established, or within one month after opening the house, the keeper shall make oath in writing before the mayor, that the house, as kept, does not and cannot accomodate thirty or more boarders. Boarding houses.

No. 722. (78.) Every person owning or commanding any steamboat or sea-going vessel, is forbidden to permit any person to remain on board such vessel while lying at any of the wharves of New Orleans, as transient boarders or lodgers, (those persons employed on said boats excepted) unless the said owner, commander or captain shall have previously obtained a license from the comptroller of the city, which license shall be registered at the mayor's office, and for which said owner, commander or captain shall pay to the treasurer of the city the sum of one hundred dollars for the year ending on the first day of January following the taking out of the license. Any owner, commander or captain, who shall fail to comply with the provisions of this section, shall be fined twenty-five dollars for each and every offense. Steamboats, sea-going vessels, etc.

No. 723. (79.) Any person commencing business on or after the 1st day of July, shall pay but one-half of the yearly tax upon such profession as he may follow, up to the end of the year. Tax after first July.

No. 724. (80.) Every person performing or acting as street musician or singer, shall pay an annual tax of ten dollars. Street musicians, etc.

No. 725. (81.) Every person taking out a license who shall neglect to furnish the required securities, and to have their Recording of license, securities, etc.

license duly recorded in the mayor's office, within thirty days from the time of taking out their license, shall pay a fine of twenty-five dollars, recoverable before any court of competent jurisdiction, one-half for the benefit of the informer, and the other half for the benefit of the city.

Taxes payable in advance.

No. 726. (82.) All taxes imposed by this ordinance shall be payable in advance.

Doing business without license.

No. 727. (83.) Any person or persons, (or incorporated companies,) doing business or pursuing any avocation without the proper licenses, shall be subjected to a fine of not more than fifty dollars for the first offense, nor more than one hundred dollars for the second offense, recoverable before any court of competent jurisdiction.

Certificate to be hung up, etc.

No. 728. (84.) Every person doing business, or pursuing any avocation under authority of this ordinance, shall be required to keep hung up in some conspicuous place in their counting-room, store or place of business, a certificate signed by the treasurer, that they have paid their license, and any person refusing to exhibit said certificate in the manner aforesaid, shall pay a fine of twenty dollars for each contravention, recoverable before any court of competent jurisdiction.

Penalties and fines.

No. 729. (85.) All penalties or fines imposed for any infraction or violation of this ordinance, as well as tax levied by this ordinance, shall be recoverable before any court of competent jurisdiction, for the benefit of the city. Any violations or infractions of this ordinance not otherwise provided for, shall be punished with a fine of from ten to one hundred dollars for each offense, all fines to be for the benefit, as aforesaid, and recovered by the city.

Census, street commissioner, etc.

No. 730. (86.) It shall be the duty of the street commissioner to cause a census to be taken of all persons subject to taxes provided for by this ordinance, in the month of March and between the 15th of November and the 15th of December of each year, and report for suit all persons who have not paid license.

Applications for licenses, etc.

No. 731. (87.) All applications for licenses shall be made in writing to the treasurer, in the name of the applicant or applicants, and shall specify the nature of the business they propose to follow, the number of partners in the concern, with their names, and whether they are resident or non-resident partners, also whether it is intended that liquors are to be sold in said business.

No. 732. (88.) All persons not resident of the city or State, Non residents. acting for themselves or as agents for others, who shall receive orders, or display samples, or sell goods in any manner whatever, shall pay a tax of three hundred dollars.

No. 733. (89.) All ordinances or parts of ordinances con- Repealing clause. flicting in their provisions with this ordinance, are hereby repealed.

City Ordinance, No. 3124. Approved, December 5, 1856.

No. 734. That the consolidated loan tax for the year 1856, Consolidated loan tax. be, and the same is hereby fixed at ninety cents on every one hundred dollars of the assessed value of real estate and slaves, within the limits of this city.

City Ordinance, No. 3233. Approved, Jan. 30, 1857.

No. 735. That in accordance with the second section of the act authorizing the city subscription to the Pontchartrain Railroad Company, requiring all trades, professions, etc., to be taxed for the interest on the bonds issued to said company, a tax of one per cent. on the amount of every license authorized to be issued under ordinance No. 3124, approved December 5th, 1856, be and the same is hereby levied, for the purpose of meeting the proportion of the interest on the bonds issued to said company, payable from other resources than a tax on real estate, slaves, etc. Tax for Pontchartrain railroad.

City Ordinance No. 3160. Approved.

No. 736. That a tax at the rate of twenty-three cents on Tax for railroads. every one hundred dollars of the assessed value of all real estate, slaves, capital, income and furniture appearing on the tableaux of assessment made by the State assessors for the year 1856, be, and the same is hereby levied to pay the annual interest on the bonds issued by the city of New Orleans for subscriptions to the stocks of the New Orleans, Jackson and Great Northern Railroad Company, the New Orleans, Opelousas and Great Western Railroad Company, and to the Pontchartrain Railroad Company.

City Ordinance, No. 3234. Approved Feb. 23d, 1857.

No. 737. That the annual tax for the year 1855 upon the real estate and slaves situated or owned in this city, is hereby fixed at thirty cents on every one hundred dollars of assessed value, according to the tableaux of the State assessors; said tax to be due and collected according to the city charter. Tax on real estate and slaves.

City Ordinance, No. 2608. Approved Feb. 12, 1856.

For annual tax on real estate, personal property, etc., for the year 1856, approved February, 1857, see Appendix at the end of this book.

An Ordinance to amend sections twenty-three and thirty-two of an ordinance entitled "An ordinance to establish a uniform rate of taxes and licenses on professions, callings and other business, and on carriages, hacks, drays, and other vehicles," approved December 5th, 1856.

Amending No.
676.

No. 738. (1.) That section thirty-two of the ordinance entitled "An ordinance to establish a uniform rate of taxes and licenses on professions, callings and other business, and on carriages, hacks, drays and other vehicles," approved December 5th, 1856, be amended so as to read as follows, viz :

Every keeper of a warehouse where produce, goods, wares or merchandise are received or taken on storage, one hundred dollars.

Amending No.
667.

No. 739. (2.) That section twenty-three of ordinance No. 3124, approved December 5th, 1856, be so amended as to read as follows, viz :

(23.) Every merchant, trader or dealer of whatsoever kind, doing both a wholesale or retail business, and wholesale business alone, and not previously specified by this ordinance, whatever be the kind of merchandise he deals or trades in, and where no spirituous or malt liquors are sold, seventy-five dollars.

Repealing Nos.
702-3-4.

No. 740. (3.) That section fifty-eight, fifty-nine and sixty of the same ordinance be, and the same are hereby repealed.

City Ordinance No. 3156.

Amending No.
665.

No. 741. That ordinance No. 3124, entitled "An ordinance to establish a uniform rate of taxes and licenses on professions, callings and other business, and on carriages, hack, drays and other vehicles, approved 5th December, 1856, be so amended as to make section twenty-one read as follows :

(21.) Every merchant doing both a wholesale and retail business, or wholesale business alone, of whatever class, where spirituous or malt liquors are not sold, seventy-five dollars.

City Ordinance, No. 3184.

Coffee house li-
censes.

No. 742. No cabaret or coffee-house license shall, hereafter, be issued to any colored person.

City Ordinance No. 3134, sect. 4.

Treasurer to
receive only
money, etc.

No. 743. It shall not hereafter be lawful for any treasurer of the city of New Orleans to receive, in payment of any tax due the city of New Orleans for the payment of the interest on the consolidated debt or the interest on the bonds issued to any rail-road company by the city, any thing except money. That

a printed copy of this resolution be hung in a conspicuous place in the office of the city treasurer.

City Ordinance, No. 2645.

No. 744. That the finance committee be, and they are hereby, authorized to withdraw all suits of the city for taxes past due, when they shall be satisfied that the tax sued upon has either been paid or erroneously assessed.

Tax suits for taxes past due, etc.

City Ordinance, No. 535.

No. 745. (1.) From and after the passage of this ordinance all pirogues from five to fifteen tons, trading with the city, shall be required to take out a license for such privilege, which license is hereby fixed at twenty dollars per annum; and should the owner or owners of any pirogue fail to take out such license, he or they shall pay a fine of fifty dollars.

Pirogues to be licensed.

No. 746. (2.) All pirogues of the above dimensions, trading with the city under license, shall be properly and conspicuously numbered on both ends under a penalty of fifty dollars.

To be numbered.

City Ordinance, No. 719.

No. 747. That the assistant city attorney be instructed to collect from the commissioners of the McDonough estate, all taxes due the city on property belonging to that estate.

McDonough estate tax.

City Ordinance, No. 2622.

As to Coffee Houses, see page 44.

Comptroller to issue Licenses, see No. 201.

See "Consolidated City Debt," page 66.

STATE CONSTITUTION.

ART. 123. Taxation shall be equal and uniform throughout the State, All property on which taxes may be levied in this State shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ACTS OF THE LEGISLATURE.

SEC. 36. That all real and personal property within the city of New Orleans, whether owned by individuals or corporations, shall, for the purpose of this act, be liable to taxation, subject to the exemptions specified in this act.—Acts of 1856, p. 146.

Property subject to taxation.

SEC. 42. That the common council of the city of New Orleans shall, for the purposes of this act, once, and not oftener, in each and every year, lay an equal and uniform tax upon all property, real and personal, in said city; but said tax, added to the consolidated loan tax, and to the special tax for payment of the annual interest on the bonds issued

Equal and uniform tax, to be levied annually.

Rate of taxation,

by the city for subscriptions to the stocks of the New Orleans, Opelousas, and Great Western Railroad Company, the New Orleans, Jackson, and Great Western Railroad Company, and the Pontchartrain Railroad Company, shall not in the aggregate be more than one dollar and fifty cents on one hundred dollars of valuation, except in case of invasion or insurrection: Provided it be sufficient to pay the interest on the consolidated debts and railroad bonds issued by the city of New Orleans.—Acts of 1856, p. 148.

Power to issue licenses.

SEC. 102. That the city of New Orleans shall have power to levy taxes, commonly known as licenses, upon trades, professions, callings, and other business carried on, and upon carriages, hacks, drays, carts, and other vehicles, used in said city; and said taxes, commonly known as licenses, laid as aforesaid, shall not be construed to be a tax on property, within the meaning of sections 36, 38, and 42, of this act.

Power to collect taxes commonly known as licenses.

SEC. 103. That all taxes, commonly known as licenses, laid by the common council, on professions, callings, and other business, and on carriages, hacks, drays, and other vehicles, used in the city of New Orleans, shall be payable at the office of the city treasurer, from the 1st to the 31st day of January inclusive, of each year. And if any tax, commonly known as a license, laid as aforesaid, shall not have been paid by the person liable therefor, on or before the 31st day of January, in each and every year, the city of New Orleans, upon affidavit made by any officer of said city, or by any citizen of said city, that said tax, commonly known as a license, has not been paid by the person liable therefor, shall have a lien, in the nature of a lessor's privilege, upon the personal property of the said person so in default, and, on application made, a writ of provisional seizure shall issue out of any court of competent jurisdiction, in favor of said city and against said property; and in case judgment is rendered in favor of said city, said property, so provisionally seized, shall be sold in satisfaction of said tax.

Mode of enforcing payment of tax known as a license.

SEC. 104. That if any tax, commonly known as a license, laid as aforesaid, shall not have been paid by the person liable therefor, on or before the 31st day of January in each and every year, any court of competent jurisdiction shall, upon application and affidavit made by any officer of the city of New Orleans, or by any citizen of said city, that said tax, commonly known as a license, has not been paid by the person liable therefore, issue a writ of injunction in favor of said city, enjoining said person in default, from all further pursuit or practice of the profession, calling, or other business, pursued or practiced by him, and upon which said tax is laid, until such time as said tax shall have been fully paid and satisfied. And further, the remedy given said city in this section of the collection of said tax, shall be cumulative of the remedy given said city for the collection of the same by section one hundred and three of this act; and said city shall have the right to make use of either, or of both of said remedies, at its discretion.

When licenses shall expire.

SEC. 105. That each and every license shall expire on the 31st day of December in the year in which it was obtained.

Taxes except, etc. when and where payable.

SEC. 106. That all city taxes, except licenses and levee dues, shall be payable, only in the office of the city treasurer, from the first day of

March to the first day of May, inclusive, of each year; and said treasurer shall, by notice given in the official journal for fifteen days prior to said 1st day of March, notify the tax payers to appear at his office, for the payment of their taxes. To each and every bill for city taxes, except licenses and levee dues, unpaid on the 31st day of March in each and every year, shall be added one per cent. of said bill for each and every month that the same shall remain unpaid, counting from the first day of March of each and every year.

Notice to be given by treasurer.

Per centage to be added, in case of non-payment of taxes.

SEC. 107. That on the second Monday of May of each year, the treasurer shall put in suit in a court or courts of competent jurisdiction, all unpaid bills for taxes levied upon property assessed in their several districts, and all bills for taxes levied upon property shall contain a description of said property as set forth in the assessment rolls.

Suit for taxes, when to be commenced.

It shall be the duty of the justices of the peace and the clerks of the courts in which such suits may be brought, by an advertisement in the official journal of the city, to cite all said delinquent tax payers to appear, within fifteen days from the date of the first insertion of said advertisement, before the respective courts in which said bills are put in suit, and answer to the demand contained in said tax bill. No petition shall be necessary, but the tax bill shall be considered as a petition, and the said advertisement shall be considered a citation, and no other service of citation shall be necessary. Said advertisement shall contain the names of all defaulting tax payers, and the amount claimed from each; but where the property assessed is assessed as belonging to a person whose name is unknown, said advertisement shall contain a description of said property, as set forth in the assessment rolls, together with the amount claimed as a tax upon said property, and such advertisement, containing such description, shall be considered as a citation to the person owning said property, and no other service of citation to be necessary. Each defaulting tax payer shall pay twenty-five cents for the cost of the citation by advertisement, together with such other subsequent cost as may accrue in the suit. As soon as the delay for answering, expressed in said advertisement, shall have expired, then the further proceeding in said suit shall be conducted according to law.

Form of notice to delinquents, petition, etc.

Costs.

Further proceedings, how conducted.

And further, it shall be the duty of said treasurer to hand over to the assistant city attorney, all bills for fines, dues or licenses, designated and intended by sections 103, 104 and 105, whenever the same shall accrue or be exigible by the provisions of this act, and the said assistant attorney shall forthwith institute proceedings in courts of competent jurisdiction in the several districts where said dues, licenses, fines or penalties shall have accrued, for the enforcement of said dues, licenses, fines or penalties, according to the provisions of this act; and the said assistant attorney shall receive as compensation for such services in all cases, ten per cent. on such dues, licenses, fines or penalties, to be paid by the person or persons in default.—Acts of 1856, p. 158.

Fines, dues and licenses, how collected.

Compensation of assistant city attorney.

See Acts of 1856, p. 141, sect. 25; p. 146, *et seq.*; page 158, *et seq.*
See Acts of 1856, page 165, sect. 124, (under "Common Council," page 55.)

For State Taxes, see Acts of 1855, page 502.

DECISIONS OF THE SUPREME COURT.

1.—Art. 127 of the constitution of 1845, providing for the equality and uniformity of taxation throughout the State, applies to State and not to municipal taxes.—2 Ann. 182; 3 Ann. 673; but see 9 Ann. 503 and 446, and 10 Ann. 735.

2.—An ordinance imposing taxes on certain trades and professions cannot be considered illegal or unconstitutional, because other trades and professions are not taxed, where the tax on the enumerated trades or professions is imposed on all persons exercising such trades or professions.—3 Ann. 673. 2 Ann. 182.

3.—No person, who obtains a license at any time after the commencement of the year, can complain that he pays as much for a license to trade during a portion of the year, as others who trade for the whole year; the inequality is of his own creation, and does not render the statute unconstitutional. 4 Ann. 549.

4.—The city council have no power to levy taxes on property which is not situated in the city, but merely temporarily within its limits.—1 M. 123.

5.—They have the right to tax vessels passing the bridge on the Bayou St. John.—3 M. 218; and to lay a tax to provide for a prospective deficiency.—1 La. 5.

6.—The corporation has no power to lay taxes on property, real or personal, owned and held out of the limits of the incorporated part of the city and faubourgs.—3 La. 248.

7.—Carts, which a man uses for his own purposes in hauling water for sale, are not to be taxed under the ordinance for taxing vehicles for hire.—3 La. 248.

8.—Licenses cease at the death of the person to whom granted, although the period for which it is given has not expired.—9 La. 433.

9.—The city ordinance of February 3, 1845, imposing a tax on retail dealers, is neither illegal or unconstitutional.—1 Ann. 387.

10.—The ordinance of August 29, 1846, imposing a special tax on all real estate within limits of the second municipality, for the purpose of paying its debts and supporting the public schools, is legal and constitutional.—2 Ann. 182.

11.—The corporation is not bound to tax real and personal estate at the same time; a tax may be legally imposed on either alone.—2 Ann. 182; 1 La. 13.

12.—The ordinance of March 12, 1838, sec. 4, requiring managers of theatres to pay annually five hundred dollars for the use of the charity hospital is not unconstitutional. The enactment of a price for the license so granted is not, in its proper sense, a tax.—2 Ann. 550; 5 Ann. 380.

13.—Property within the incorporated limits of the city, not laid out into streets, is subject to taxation for all municipal purposes, except the maintenance of lights, of the police and the expense of watering and cleaning the streets.—2 Ann. 611.

14.—Under the statute of 1805, rural property is not liable for assessment for the maintenance of lights, of the city watch, and for cleaning the streets.—10 Ann. 763.

15.—An ordinance imposing a tax on all retailers of soda water, with the exception of apothecaries, is not illegal nor unconstitutional; nor will the fact, that the party had paid for a license as a confectioner, exempt him from liability for the tax.—4 Ann. 328. Section 10 of the city ordinance of December 16, 1846, does not authorize the imposition of each partner of a banking house or firm of the whole amount of the tax, without regard to his residence in the State. The tax is imposed on the business, and not upon the individual members of the firm, unless they be permanent residents, or sojourners within this State. The power of the State itself to lay taxes only extends to persons and property within its jurisdiction.—4 Ann. 407; but see 6 Ann. 783.

16.—Under the act of May 4, 1847, the city councils had the power of taxing rural property within the limits of the city, in the same manner that urban property is taxed; but a distinction between rural and urban property was made by the act of March 18, 1850.

17.—The remission of a tax by the council is an extinguishment of the obligation, and the tax cannot be imposed.—4 Ann. 605.

18.—The power to pay and collect taxes has ever been understood to operate prospectively and never retrospectively.—6 Ann. 605.

19.—An ordinance imposing a tax, and in case of non-payment to be subject to a fine of five dollars, etc., is illegal in assessing a penalty for the non-payment of taxes. This is not within the municipal power.—6 Ann. 515.

20.—Taxes imposed by political corporations, to whom a portion of the powers of the government are delegated for the purpose of government and police, are not liable to seizure on executions against those corporations; nor are funds collected on judgments for taxes liable to such seizure. But sums due to municipal corporations for paving, or on bonds taken for paving, are liable to seizure.—6 Ann. 570.

21.—The exigencies of government require that the process for the collection of taxes should be summary. They are to be regarded not as a debt to be enforced against the debtor who contracted, it by judicial proceedings, but a contribution required from the citizens for the support of government, and for the protection and benefit of all.—7 Ann. 192.

22.—The power of taxation is limited under the constitution, and there does not exist either in the legislature or in any of the subdivisions of sovereignty, a power of apportioning taxation for public purposes, whether of a general or of a local character, except on the principle of equality and uniformity.—9 Ann. 446.

23.—Article 123 of the constitution, which requires taxation to be equal and uniform throughout the State, applies to municipal and parochial, as well as other taxes.—9 Ann. 503; 10 Ann. 735; but see 2 Ann. 182, and 3 Ann. 673.

24.—The city of New Orleans has the right to sue for the tax imposed under the city ordinance passed in conformity with the act of the legislature of the 12th March, 1852. (for certain railroads.)—9 Ann. 561.

25.—The council of the 3d municipality, elected for 1851, was incompetent to impose a tax for a past year. The statute of the 18th March, 1850, designed that the taxing power of the council should be exercised prospectively.—9 Ann. 44.

26.—The summary mode of proceeding against delinquent tax payers by advertisement, in place of citation as provided by the act of 1852, sect. 35, applies only to the collection of taxes assessed subsequent to the act.—9 Ann. 233.

27.—By the act of 1850, all property belonging to charitable institutions, is exempt from taxation.—9 Ann. 584.

28.—“Taxable lands” comprise buildings on lands, so as to authorize the buildings to be estimated in making an assessment for taxes; for, in legal contemplation, buildings are a part of the land.—9 Ann. 368.

29.—The tax assessed by the common council on all drinking houses is legal, and the tax on the keeper of such houses is payable at any period of the year when it may be found that he is not provided with a license. But the city has not the right to close the doors of a drinking house summarily because of the failure of the keeper of it to take out a license.—10 Ann. 321.

30.—The tax imposed upon keepers of livery stables by the city ordinance of November 15th, 1849, is constitutional and legal.—10 Ann. 56.

31.—Article 123 of the constitution has reserved the right of the legislature to exempt any property it sees fit, from taxation altogether. But if it tax at all, then it must tax equally or in a uniform ratio according to an assessment legally made, all property of the same description upon which a tax is levied.—10 Ann. 735; 2 Ann. 503; but see 2 Ann. 182 and 3 Ann. 673.

32.—Where taxes, illegally assessed, have been paid through error, they may be recovered.—10 Ann. 73.

33.—The assessment by the city authorities, on account of subscription to railroad stock and for the consolidated loan tax, is essentially a tax.—10 Ann. 762.

34.—The license tax imposed on keepers of coffee houses, is imposed upon all persons of the same class, and is therefore constitutional.—9 Ann. 305; 11 Ann. 68.

35.—A legal presumption exists in favor of the correction of the assessment rolls. If errors exist, defendant must allege and prove them.—11 Ann. 69; see also 11 Ann. 195 and 251.

For other decisions on this subject, see “Hospitals,” page 127; “New Orleans,” page 165; Ordinances, page 196; and “Streets” and “Wharves.”

SALARIES OF CITY OFFICERS.

No. 748. The following are the salaries fixed by the several city and State laws :

Mayor.....	\$5,000	per an.—by ord. No. 2828
Comptroller.....	4,000	“ acts 1856, p. 145
Treasurer	5,000	“ acts '56 p. 146, ord. 3106
Surveyor.....	3,000	“ acts '56 p. 146, ord. 2957
Street Commissioner.....	3,000	“ acts 1856, p. 146
City Attorney.....	4,000	“ acts 1856, p. 146
Sec. Board of Aldermen.....	2,400	“ ord. 1623
“ “ Assist. Ald'm'n	2,400	“ ord. 1633
Recorders, (each)	2,500	“ acts 1856, p. 142
Recorder's clerk, 1st district	1,200	“ ord. 132
“ “ 2d do	1,200	“ ord. 132
“ “ 3d do	1,200	“ ord. 2931, 132
“ “ 4th do	1,200	“ ord. 2935, 132
First assist. clerk, 1st district	800	“ ord. 546
Second do do do.....	700	“ ord. 3211
Assist. clerk, 2nd district...	800	“ ord. 546
Assist. clerk, 3d do.....	720	“ ord. 2931
Surveyor's clerk.....	1,200	“ ord. 2316, 2957
Two chain carriers, (each)...	300	“ ord. 2957
Comptroller's clerks, one at...	1,800	“ ord. 3017, 132
“ “ two at...	1,500	“ ord. 3017, 132
“ “ one at...	1,200	“ ord. 132, 2375, 3017
Treas. clerks, assist. treasurer	2,400	“ ord. 3106
“ book-keeper	1,500	“ ord. 3106
“ two clerks, each	1,200	“ ord. 3106
“ assistant clerk..	900	“ ord. 3106
runner.....	480	“ ord. 3106
City Attorney's clerk.....	1,200	“ ord. 1861
Street Commissioner's deputy	1,500	“ ord. 3054
“ “ one assistant.....	1,200	“ ord. 3054
“ “ two assist., each	1,000	“ ord. 3054
“ “ three assist., each	900	“ ord. 3054
“ “ three assist., each	800	“ ord. 3054
“ “ clerk.....	1,200	“ ord. 3054
“ “ sup'nt of bridges	1,500	“ ord. 3139
Mayor's clerks	4,000	“ ord. 132
“ police secretary.....	600	“ ord. 2934

Chief (or Captain) of Police, \$2,000 per an:		ord. 2100
Four Lieutenants, each.....	1,000 “	ord. 2100
Ten Sergeants, each	700 “	ord. 2100
Day Policemen, each	700 “	ord. 2100
Other Policemen	600 “	ord. 2100
Chief's clerk,.....	900 “	ord. 70
“ assistant clerk.....	720 “	ord. 2366
Commissaries of markets, each	720 “	ord. 639
“ of Washington market	480 “	ord. 2329
“ of Ninth market 4th dis	720 “	ord. 2941
Four pound keepers, each....	540 “	ord. 1520
Chief Warden of Workhouse	1,200 “	ord. 2139
Deputy “ “	900 “	ord. 351
Eight Under Wardens, each	600 “	ord. 351
Two night wathchmen, each	600 “	ord. 2100, 351
Cl'k of commit. on workhouse	1,200 “	ord. 1679
Two Wharfingers, each	1,500 “	ord. 54
Four assist. wharfingers, each	900 “	ord. 54
Commissioners of the McDon-		
ough estate, each	1,500 “	ord. 2134
Sec'y of standing committees		
and committee on work-		
house and prisons	1,500 “	ord. 1679, 2926
Sec'y of the Commissioners of		
House of Refuge	360 “	ord. 377, 1261
Secretary Finance committee	1,800 “	ord. 3018
Secretary of committee on		
Streets and Landings.....	1,200 “	ord. 3019
Sergeant-at-arms of Board of		
Aldermen	1,200 “	ord. 132, 2855
Sergeant-at-arms & doorkeep-		
er Board Assist. Aldermen	1,200 “	ord. 132
Porter of City Hall.....	900 “	ord. 1366
Sup'nt Insane Asylum	720 “	ord. 1794
Male Assistant	540 “	ord. 1794
Female Assistants, each.....	180 “	ord. 1794
Bell ringer, St. Pat. church	480 “	ord. 2040
Laborers in surveyor's and		
street commissioner's de-		
partments, each.....	35 per month.	ord. 724
Laborers in wharfingers' de-		
partment, each.....	40 “	ord. 1147

SCHOOLS.—See “PUBLIC SCHOOLS,” p. 212.

SEAL.

No. 749. That the mayor be, and he is hereby, authorized to have a “seal” ordered for the city of New Orleans, so as to enable him to furnish copies of documents to the city attorney and the several courts.

City Ordinance, No. 101.

See Acts of 1856, p. 141, sec. 26.

SLAUGHTER HOUSES.—See “FACTORIES,” etc., p. 89.

SLAVES AND FREE PERSONS OF COLOR.

An Ordinance relative to Slaves and Free persons of color.

No. 750. (1.) *Be it ordained by the common council of the city of New Orleans,* That it shall not be lawful for any slave to lodge or sleep in any house or premises other than that of his owner or master, or that of his owner's agent, or of the person to whom he may be hired, without special authority in writing so to do, which authority or permit shall specify the length of time for which it may be given. Any slave lodging or sleeping in any house, room, cabinet, or any other place without permit so to do, as aforesaid, shall receive not less than ten, nor more than twenty-five lashes, unless his owner shall pay a fine of not less than ten dollars nor more than twenty-five dollars; and any free person allowing or permitting any slave to lodge or sleep in his or her house contrary to the provisions of this ordinance, shall be fined not less than twenty-five dollars nor more than one hundred dollars. One-half of which fine shall be for the benefit of the informer.

Not to lodge, etc.,
in certain places.

No. 751. (2.) That all persons be, and are hereby forbidden from letting or hiring, by the month, week or day, any house, room, apartment, closet or place whatever within the limits of this city, to any slave, even with the permission or authority of

Letting rooms,
etc., to slaves.

his or her owner or owners, under the penalty of a fine of not less than ten dollars nor more than one hundred dollars for each and every contravention, and for each and every slave. And any owner of any slave, or agent of such owner, who shall permit or allow his or her slave to hire any house, room, etc., as aforesaid, shall be fined not less than ten dollars nor more than one hundred dollars for each and every contravention, and for each and every slave he or she may permit or allow to hire any house, room, etc., in contravention hereof. One-half of which fines shall accrue to the benefit of the informer.

Duty of police.

No. 752. (3.) That whenever any police officer, policeman or watchman shall have reasons to suspect that one or more slaves occupy a house, room or other place in contravention to the provisions of this ordinance, it shall be the duty of such police officer, policeman or watchman to enter the same, and if any slave or slaves be found therein, to arrest such slave or slaves and convey them to the police jail, and immediately report the same to the mayor or to the recorder of the district wherein such arrest be made. Any person who shall oppose or obstruct a police officer, policeman or watchman in the performance of the duties imposed upon him by this section, shall be fined not less than ten nor more than one hundred dollars.

Slaves not to assemble, etc.

No. 753. (4.) It shall not be lawful for slaves to assemble in any of the streets, roads, public squares, meat markets or in any house, cabaret, grocery or coffee house, or on the levee, or any other place whatsoever in this city; and it shall be the duty of all policeman and watchmen to arrest and conduct to the police jail all slaves found assembled in contravention hereto; and the slaves so found assembled shall receive not less than ten nor more than twenty-five lashes, unless such slave shall be the bearer of a special permit from his master so to assemble, in which case the said master shall be fined not less than twenty-five dollars nor more than one hundred dollars: Provided, that nothing herein contained shall be so construed as to prohibit slaves from assembling (with their owners' consent) in a church during the hours consecrated to divine service, nor from attending funerals: Provided, moreover, that they may assemble on the commons for the purpose of dancing, or playing ball, or cricket, permission to that effect being first obtained from the mayor, but such permission shall be granted by the mayor for no other day than Sunday, and shall expire at sunset.

No. 754. (5.) That whoever shall assemble slaves at his, Penalty.
 her or their house, or on his, her or their garden, lot, square or
 premises, or shall suffer, allow or permit slaves to assemble in his,
 her or their house, or on his, her or their premises, or who shall
 refuse to allow any policeman or watchman to enter such house
 or premises for the purpose of arresting slaves assembled therein,
 shall be fined not less than twenty-five dollars nor more than one
 hundred dollars. And every free person found assembled with
 such slaves shall be fined not less than twenty-five dollars nor
 more than one hundred dollars, or be imprisoned thirty days, in
 default of paying the fine.

No. 755. (6.) All persons giving public balls wherein free Slaves not to
visit balls of free
colored persons.
 persons of color are admitted, are hereby prohibited from admit-
 ting any slave, or permitting any slave to be admitted to such
 ball or balls, under the penalty of a fine of not less than twenty-
 five dollars nor more than one hundred dollars, in default of pay-
 ing which fine they shall be imprisoned thirty days. And every
 slave found in contravention shall receive ten lashes.

No. 756. (7.) That every slave (unless blind or infirm) Slaves armed.
 found in any of the streets, roads, public squares or other
 public places, armed with a cane or stick, shall receive twenty-
 five lashes, and every slave having any weapon whatsoever shall
 be punished as prescribed by the "Black Code."

No. 757. (8.) That all slaves are forbidden to quarrel, yell, Disturbance of
public places, etc.
 curse or sing obscene songs, or in anywise disturb the public
 peace, or to gamble in the streets, roads or other places, or on
 the levee. Any slave found contravening hereto shall receive
 twenty-five lashes.

No. 758. (9.) That any master or captain of any steamboat, Slaves on steam-
boats and vessels.
 ship or other vessel moored at the levee or at any of the wharves
 of this city, who shall permit, suffer or allow any slave employed
 on board of such steamboat, ship or vessel to quarrel, yell or
 sing obscene songs, or in any manner disturb the public peace,
 or gamble on board of such steamboat, ship or vessel, shall be
 fined twenty-five dollars for each contravention.

No. 759. (10.) Any slave who shall abuse or insult a free Insulting free
persons.
 person shall receive twenty-five lashes.

No. 760. (11.) That any person who shall arrest a runaway Runaway slaves.
 slave on board of any steamboat, ship, or other vessel, and lodge
 such slave in the police jail of this city, shall be entitled to a
 reward of ten dollars, which reward shall be paid on due proof
 being made to the person or persons so arresting and lodging

such slave in said jail, by the owner of such slave prior to obtaining a release for such slave; in default thereof, such slave shall remain in custody.

Not to be conveyed in vehicles, vessels, etc.

No 761. (12.) That it shall not be lawful for the proprietor of any carriage, cab or other public vehicle whatsoever, or the owner, master or captain of any steamboat, ship or other vessel or craft, whatsoever, to give passage to any slave without the written permission of his or her master, or his or her agent, under the penalty of a fine of not less than ten dollars nor more than twenty-five dollars for each and every contravention.

Slave parties, etc.

No. 762. (13.) That whenever the owner of one or more slaves be desirous of permitting his or her slaves to give a ball or dance at the dwelling or residence of such owner, it shall be the duty of such owner to obtain a written permit to that effect from the mayor, but said permit shall expire at 9 o'clock, P M; and any owner or other person failing so to do, shall be fined twenty-five dollars.

Liquor to slaves.

No. 763. (14.) That all owners or keepers of cabarets, grog-shops, groceries, coffee houses or places where spirituous liquors are sold, be, and are hereby forbidden to sell, furnish or give spirituous liquors to slaves, without the written permission of their master or owner, under the penalty of a fine of not less than ten nor more than one hundred dollars for each and every contravention. One half of which fine shall be for the benefit of the informer.

Liquor to slaves.

No. 764. (15.) That any owner or keeper of a cabaret, grog-shop, grocery or coffee-house, and any other person who shall sell or furnish any spirituous liquors to any slave in exchange for goods, wares, produce, merchandise, wearing apparel, or other effects, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every contravention. In default of payment, he or she shall be imprisoned thirty days. One half of said fine shall be for the benefit of the informer.

Free persons, slaves, etc., not to play cards together.

No. 765. (16.) That all keepers of cabarets, grog-shops, groceries, or coffee-houses be, and are hereby forbidden to permit or allow white persons, free persons of color, and slaves to play together, cards, dominoes, or any other games whatsoever in their premises, under the penalty of a fine of fifty dollars for the first offense, one hundred dollars for the second offense, for the third offense one hundred dollars, and to forfeit his license, and shall be deprived of the right of obtaining a license for two years thereafter. It shall be the duty of such policemen or watchmen

who may discover white persons, free persons of color and slaves playing cards, etc., as aforesaid, to arrest, without distinction, all persons found so assembled. All persons so contravening shall be fined as follows, viz :

Each white person, not less than twenty-five nor more than one hundred dollars.

Each free person of color, not less than twenty-five nor more than one hundred dollars.

Each slave shall receive fifteen lashes, unless his master prefers paying a fine of not less than five nor more than fifty dollars.

No. 766. (17.) Every slave found on the levee, or in the streets and highways within the limits of the city, after 8½ o'clock, P. M., from 22d September to 22d March, and 9½ o'clock P. M., from 22d March to 21st Sept. (gun fire) without a pass or permit to pass after such time, which permit shall specify the time such slave is allowed to remain out after gun fire, shall be arrested and taken to the police jail, and shall, on the order of the recorder of the district wherein he or she may be found, receive ten lashes, unless his or her master pays a fine of five dollars.

See No. 251.

No. 767. (18.) That it shall be the duty of all owners, captains or masters of any steamboat or other vessel arriving at this port with free persons of color, in contravention to the laws of this State, on board, employed as stewards, cooks, hands or otherwise, whenever such steamboat, ship or other vessel is about to depart from this port, to convey such free person of color back to the place from whence they came ; and any owner, captain or master of any steamboat, ship or other vessel, permitting, or allowing or suffering any such free person of color to remain in this city after the departure of such steamboat, ship or vessel, or discharging any such free person of color therefrom, under any pretext whatsoever, shall be fined one hundred dollars for each and every free colored person so permitted, allowed or suffered to remain or discharged in violation hereof. One half of which fine shall be for the benefit of the informer.

No. 768. (19.) It shall not be lawful for any person to sell any commodities, goods, wares, or any article whatever to any slave, even for cash, above the value of five dollars, or to make any purchase from or barter with a slave, unless with the written permission of the owner or agent; provided, always, that the said regulation does not concern the commodities or provisions which slaves publicly expose for sale in markets. Any person con-

Slaves to be home before gun fire.

Free persons of color on vessels, etc.

Merchandise, etc. not to be sold to slaves,

travening shall be fined not less than ten nor more than one hundred dollars.

Slaves brought
from other States
etc.

No. 769. (20.) That all persons bringing into this city slaves from other States or Territories, shall within twenty-four hours after their arrival in the city, make a declaration under oath before the mayor, of the number of slaves brought by them,—their sex, name and age, the place from which they were brought, and also the name of the town or country where they last resided. Every person shall be fined not less than twenty-five dollars for every slave brought into the city in violation of the provisions of this section.

Slaves in cabarets,
etc.

No. 770. (21.) That it shall be the duty of the police to arrest all slaves found drinking in cabarets or coffee-houses, and each slave shall receive for every offense, ten lashes, unless his master pay a fine of ten dollars ; provided such slave be not the bearer of a written permit from his master or owner.

Free persons of
color in hotels,
etc.

No. 771. (22.) That all hotel or boarding-house keepers, or other persons harboring, or keeping in their houses, or employing any free person of color being in the city in contravention of law, shall be fined not less than twenty-five nor more than one hundred dollars for every offense.

Duty of police.

No. 772.. (23.) That it is hereby made the duty of the police officers, policemen and watchmen of the several districts of this city strictly to enforce this ordinance, and to prevent all contraventions against the provisions thereof, under the penalty of dismissal.

Repealing clause.

No. 773. (24.) That all ordinances or parts of ordinances contrary to the provisions of this ordinance, be, and the same are hereby repealed.

City Ordinance, No. 3203. Approved January 7th, 1857.

See Coffee Houses, page 44.

For Insane Slaves, see No. 384.

For Punishment of Slaves, see No. 548.

ACT OF THE LEGISLATURE.*

An Act relative to Slaves and Free Colored Persons.

Punishment for murder. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That any slave who shall commit the crime of wilful murder, on conviction thereof, shall be punished with death.

* In a recent case the Supreme court decided that the act of 1855, relative to slaves etc., was unconstitutional, but as most of the act is but a copy of former laws which are constitutional, it is here inserted.

SEC. 2. That any slave who shall with a dangerous weapon, and with intent to kill, cut or otherwise wound any person, or who shall attempt maliciously to kill by drowning, or strangling, on conviction thereof, shall suffer death.

Punishment for cutting, or attempting to kill by drowning or strangling.

SEC. 3. That any slave who shall wilfully and maliciously strike his master or mistress, or his master's or mistress' child or any white overseer appointed by his owner, to superintend said owners's slaves, so as to cause a contusion or shedding of blood, shall be punished with death or imprisonment of hard labor for a term not less than ten years.

Punishment for striking certain persons.

SEC. 4. That if a slave shall shoot at or stab any person with intent to kill, such slave, on conviction of either of said offenses shall suffer death.

Shooting or stabbing with intent to kill.

SEC. 5. That if any slave or free colored person shall wilfully and maliciously poison or attempt to poison any person, he shall on conviction thereof suffer death.

Poisoning.

SEC. 6. That if any slave or free colored person shall commit a rape, or attempt to do so, upon the body of any white female, he shall upon conviction thereof, suffer death.

Rape on white female.

SEC. 7. That any slave who shall encourage or excite any insurrection or revolt in this State, or who shall be in any wise concerned in instigating to the same, on due conviction thereof, shall suffer death.

Exciting insurrection.

SEC. 8. That if any slave or free colored person shall wilfully and maliciously burn or destroy any building or house, or shall attempt to burn any house or building he shall, on conviction thereof, suffer death.

Arson.

SEC. 9. That if any slave shall strike a white person, for the first and second offense he shall receive such punishment as the jury shall think proper, but for the third offense the said slave shall suffer death ; and whenever any slave shall have grievously and wilfully wounded or mutilated any white person, although it prove to be the first offense, such slave shall suffer death ; provided the blow, wound, mutilation or bruises are not made or committed in defense of the person or property of his master, or of some member of his family, or of the person having charge of him, or in whose care he then may be, in which case the said slave shall be excused.

Striking white person—first and second offense. Third offense. Grievously wounding or mutilating.

SEC. 10. That any slave who shall feloniously and forcibly take any goods or money from the person of another, by violence or by putting him in fear, shall, upon conviction, be punished with death or otherwise, at the discretion of the court.

Robbery.

SEC. 11. That any slave who shall break into and enter any dwelling house, store, or house of any kind, or who shall attempt to do so, with the intent to steal or to commit any other crime, shall upon conviction thereof, suffer death, or other punishment at the discretion of the court.

Burglary.

SEC. 12. That if any slave or free colored person shall wilfully and maliciously burn, or destroy, or attempt to burn or destroy, any stacks of rice, corn, fodder or other grain of produce of this State, raw or manufactured, or any work other than a building, he shall, on conviction thereof, be punished at the discretion of the court.

Burning stacks of rice, corn, etc.

SEC. 13. That if any slave shall threaten, insult or strike the overseer, or other white person representing his owner, he shall be punished at the discretion of the court.

Threatening, striking or insulting overseer.

Rebelling against overseer.

SEC. 14. That any slave who shall revolt or rebel against any white overseer, appointed by his owner to superintend the conduct of his slaves, when being punished by him, or another, by his orders, shall on conviction thereof be punished at the discretion of the court.

Insulting or beating white person.

SEC. 15. That if a slave, or free person of color, insult or assault and beat any white person, such offender, on conviction of either of said offenses, shall be punished at the discretion of the court.

Trespass.

SEC. 16. That if any slave shall cut, pull down, burn, destroy, or carry away any tree, wood, or timber, growing or lying on the land of another, without the consent of the owner, or legal possessor thereof, he shall, on conviction, be condemned to receive thirty-nine lashes; nothing contained in this section shall be so construed as to authorize the punishment of a slave for the acts above mentioned who shall have acted under the express orders of his owner, or person having a legal command over him.

Larceny.

SEC. 17. That any slave who shall be guilty of larceny shall be punished at the discretion of the court.

Cruel treatment of slaves.

SEC. 18. That whoever shall inflict, or cause to be inflicted, any cruel treatment upon any slave, whether by maltreating, flogging, failing to clothe and feed in a proper manner, by imprisoning, by putting in irons, or by illtreating in any other manner, to be judged of by the court and jury, shall be fined not less than fifty nor more than two hundred dollars. The court and jury shall have power in all cases, whether they convict or not, to decree the sale of the slave at public auction. The owner shall not be allowed to purchase either directly or indirectly, or to have under his control the said slave, under the penalty of one thousand dollars. The price of the slave thus sold, shall be paid over to the owner after deducting all costs.

District attorney to prosecute.

It shall be the duty of the committing magistrate, to whom complaint shall be made, to notify the district attorney, of the district whose duty it shall be forthwith to prosecute the owner of the slave.

Gambling with slaves.

SEC. 19. That any free person who shall play at any game of chance, or make any bet, or in any manner gamble with any slave, shall on conviction thereof, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned in the parish jail not less than one month nor more than one year; and on a second or any subsequent conviction for a similar offense, shall be fined one thousand dollars and be imprisoned in the parish jail one year.

Penalty for preventing trial of slave, accused of capital crime.

SEC. 20. That any master or other person having the charge or government of any slave accused of any capital crime who shall conceal or convey him away, so that he cannot be brought to trial and punishment, shall forfeit the sum of one thousand dollars. But if such slave be accused of a crime not capital, then he shall forfeit the sum of five hundred dollars.

Penalty when slave is not accused of capital crime.

Harboring or concealing runaway. Cutting or breaking iron chain or collar.

SEC. 21. That if any person shall harbor or conceal any runaway slave, knowing him to be such, or shall cut or break any iron chain or collar which any master of slave may have used, he shall, on conviction thereof, be fined not less than two hundred nor more than one thousand

dollars ; and in default of payment, he shall be imprisoned not less than three nor more than six months.

SEC. 22. That any person who shall furnish slaves with any false free papers or certificates of birth or christening, falsely representing such slave to be free, shall be punished for each and every such offense, as in case of forgery.

Furnishing slaves with false free papers or certificates of birth or christening.

SEC. 23. That any person who shall buy, sell, or receive of, to, or from any slave, any corn, hay, fodder, meal, spirituous liquors or other produce or commodity whatsoever, without the consent, in writing, of the owner, overseer or employer of such slave, shall be held guilty of a high misdemeanor, and shall, on conviction thereof, be fined in a sum not less than fifty, nor more than five hundred dollars, and shall be imprisoned in the parish jail, not less than one nor more than twelve months, one-half of the fine to be paid to the informer and the other half to the parish.

Buying from or selling to slaves without the consent in writing of owner or employer.

In the indictment or information for the offense specified in this section, it shall not be necessary to charge the kind or quantity of the produce or commodity so bought, sold or received, nor the name of the slave, nor the name of his owner, and on the trial of such indictment, it shall not be necessary to prove the name or ownership of such slave, but it shall be deemed and held sufficient to prove that such buying, selling or receiving was of, to or from a slave, if he be a person of color.

SEC. 24. That if any slave shall be seen or found in any storehouse, warehouse, tippling shop or other place fitted up or kept for trading, unless sent by his owner, overseer or employer, after the hour of nine o'clock at night, or before daybreak in the morning, or on the Sabbath day ; or if any slave shall be found at any time in any of the aforementioned places, unless sent as aforesaid, where he shall have been permitted to remain for the space of five minutes with the door of the place closed ; or if any slave shall be seen to carry into the aforementioned place any article or commodity supposed for sale, and not bringing the same out, or if he shall bring out of such place any article or commodity which may have been purchased or received therein ; or if any slave, being a teamster, or driver of any team, cart, wagon or other vehicle, shall be seen to leave his team before or near the door of any such storehouse, warehouse, tippling shop, or other place fitted up, or kept for trading, and enter such place, and there remain for the space of five minutes, at any hour of the day or night, without the consent of his owner, overseer or employer, and shall be seen to carry into the aforesaid place any article or commodity, supposed for sale, and not bring the same out ; or if he shall bring out of such place any article or commodity which may have been purchased or received therein, without the consent aforesaid ; or if the owner of the aforementioned places of trading, or slave, or any person of whatsoever description is seen to go to the aforesaid teamster's vehicle, be it of any description, and take or receive therefrom, or receive from it, by the teamster, or any one else, any article or commodity whatsoever, supposed for sale, and take the same into the aforesaid place for trading and not bring the same out ; or if they bring out

What shall be presumptive evidence of the commission of the offense, set forth in the foregoing section.

of the place of trading, any article or commodity supposed to have been purchased or received therein, and put the same into or upon the vehicle, or deliver to the teamster in any manner whatever; the same shall be taken as presumptive evidence against the person owning or keeping such storehouse, warehouse, tippling shop or other place fitted up or kept for trading, of the offense described in the two preceding sections, to be rebutted however, like other presumptives.

Plea which cannot be made.

SEC. 25. That no person prosecuted under the provisions of the two preceding sections shall plead that the articles sold or purchased, were given, sold or delivered by any person in his employ without his knowledge.

Proof of consent of owner.

SEC. 26. That in all trials, for trading with slaves, the accused shall be permitted to prove the consent of the owner or employer of the slave by production of the original writing or by parol evidence.

Encouraging insurrection.

SEC. 27. That if any person shall, by words, actions, writing, or in any other manner whatsoever, persuade, encourage, or advise any slave to insurrection, against his lawful proprietor, or against the white inhabitants of the State or the government thereof, such person, on conviction, shall suffer death or imprisonment at hard labor at the discretion of the court.

Attempt to produce discontent among free colored persons or insubordination among slaves.

SEC. 28. That whoever shall, with the intent to produce discontent among the free colored population, or insubordination among the slaves, write, print, publish or distribute, anything having a tendency to produce discontent among the free colored population, or insubordination among the slaves therein, shall, on conviction, be sentenced to imprisonment at hard labor, or suffer death at the discretion of the court.

Using language with the intent aforesaid.

SEC. 29. That whoever with the intent aforesaid, shall make use of language in any public discourse, from the bar, the bench, the stage, the pulpit, or in any place whatsoever, or whoever shall make use of language in private discourses or conversations, or of signs or actions, having a tendency to produce discontent among the free colored population of this State, or to excite insubordination among the slaves therein; or whosoever shall knowingly be instrumental in bringing into this State any paper, pamphlet or book having such tendency, shall, on conviction thereof, suffer imprisonment at hard labor not less than three nor more than twenty-one years, or death, at the discretion of the court.

Bringing papers into this State with said intent.

Duty of judges to charge grand juries on the two preceding sections.

SEC. 30. That it shall be the duty of judges in this State to give the two preceding sections in charge to the grand jury at each term of their respective courts.

Stealing slaves.

SEC. 31. That every person who shall inveigle, steal, or carry away any slave, or shall hire, aid or counsel any person in so doing, or shall aid any slave in running away or departing from his master's service, shall, on conviction thereof, suffer imprisonment at hard labor not less than two or more than twenty years.

Conveying slaves out of the State on board of vessels, or receiving them on board with such intent.

SEC. 32. That if the master of any vessel in this State, or any other person, shall convey out of the State, on board of any such vessel, any slave, the property of any person, without the consent of his owner, or shall receive on board of any such vessel any slave, or permit or suffer it to be done, with the intent and for the purpose of carrying and conveying him out of this State, or shall wilfully conceal or permit to be concealed

on board of any such vessel, any slave, with the intent and for the purpose of enabling him to escape out of this State, he shall, on conviction of any such offense, suffer imprisonment at hard labor for a term not exceeding seven years, and not less than three years, and shall pay the value of the slave and all damages that the owner may have suffered thereby, which damages shall be assessed by the same jury who shall give their verdict on the criminal prosecution.

The owners of said vessel shall be considered bound jointly and severally to make good such claim. Whenever any slave shall be found on board any vessel, the presumption shall be that he was received or concealed on board with the intent aforesaid, saving to the party accused the right of showing the contrary.

SEC. 33. That the owner of any slave so carried away, shall have a lien on the vessel; which lien shall not affect bona fide purchasers, and shall not take precedence over other liens now recognized by law. Lien on the vessel.

SEC. 34. That suits may be brought and prosecuted to execution against all the persons mentioned in the two preceding sections at the same time, but a recovery and payment under execution or otherwise, of the value of the slave so carried away, with damages from any one of the persons above mentioned, shall be a bar to any further civil proceedings on the part of the owner, against each and all the others above mentioned. Manner in which suits may be brought to recover under the two preceding sections.

SEC. 35. That if any person shall carry, or attempt to carry out of the State, by land, any slave without the consent of the owner, with the intent of causing such slave to escape, he shall, on conviction thereof, suffer imprisonment at hard labor for a term not exceeding seven years, and not less than three years, and shall moreover be sentenced to pay the value of the slave and all damages that the owner may have suffered thereby; which damages shall be assessed by the same jury who shall give their verdict on the criminal prosecution. Carrying or attempting to carry slaves out of the State without the consent of their owners.

SEC. 36. That if any person who may have mortgaged his slave to another, shall transport, or attempt to transport, or cause to be transported out of this State, the slave thus mortgaged, in fraud of the holder, the person thus offending, his aiders and abettors, shall, on conviction thereof, suffer imprisonment at hard labor not exceeding seven years, nor less than three years, and shall be liable to pay all damages that the holder of the mortgage may have suffered thereby, which damages shall be assessed by the same jury who shall give their verdict in the criminal prosecution. Transporting mortgaged slave out of the State.

SEC. 37. That if any slave shall be found on board of any vessel without the written consent of the owner, the master and proprietors of said vessel shall be presumed to have received said slave on board with the intention of depriving his master of him, and of transporting him out of the State, or from one part of the State to another, and shall be responsible in solido to the owner of the slave in the sum of one thousand dollars: provided, that the penalty herein declared, shall not be enforced when the discovery shall have been made by the master of said vessel, and the slave returned without delay to his owner. Presumption against masters of vessels.

SEC. 38. That any person who shall import into this State any slave who shall have been convicted of any crime, shall, on conviction thereof, Bringing slaves convict'd of crime into the State.

forfeit said slave to the State, provided said slave remain in his possession; if not, he shall be fined in a sum equal to the value of the slave.

Duty of committing magistrate in certain cases.

SEC. 39. That whenever a slave shall be accused of a crime or offense, by any person, on oath, the justice of the peace or other committing magistrate, before whom the complaint is made, shall cause the slave accused to be arrested and confined in the parish jail to await his trial.

Tribunal for the trial of slaves accused of capital offenses.

SEC. 40. That slaves accused of capital crimes, shall be tried by a tribunal to be composed of two justices of the peace, and ten owners of slaves resident in the parish where the crime may have been committed.

tribunal for the trial of slaves accused of offenses not capital.

SEC. 41. That if any crime or offense not capital shall be committed by any slave, he shall be tried by a tribunal composed of a justice of the peace and four proprietors of slaves, who shall be summoned by the justice of the peace to attend at the day and hour fixed for such trial, under the same penalties to which jurors are subject when they refuse or neglect to attend the courts of this State.

(Sections 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54, and Acts of 1855, page 37, relate to the trial of slaves for capital offenses.)

Error of form not to annul proceedings.

SEC. 55. That no proceedings shall be annulled or impeded by any error of form.

Jury may commute the punishment of slaves

SEC. 56. That in all cases where a slave is charged with a crime punishable with death or imprisonment at hard labor for life, the jury shall have a discretionary power to commute the penalty and inflict a lesser punishment.

Who cannot be jurors.

SEC. 57. That no member of any tribunal in this State for the trial of slaves, shall be either the proprietor of, or related within four degrees of consanguinity to the owner of the slave prosecuted.

Delivery of slave to the person having charge of the penitentiary.

SEC. 58. That the sheriff of the parish where said trial is held, on a receipt of a proper order from the justice, accompanied by a certified copy of the verdict, and judgment thereon, shall deliver such slave into the possession of the person having charge of the penitentiary, who shall receipt to him therefor.

Evidence of slaves to be received.

SEC. 59. That the evidence of slaves under oath shall be received in all trials of slaves.

Right of challenge.

SEC. 60. That in all trials of slaves who may be charged with the commission of any capital offense, the punishment of which may be death, they shall be entitled to challenge peremptorily six jurors and any further number, for cause; provided, that if two or more slaves are put upon trial as particeps criminis in the commission of any such offense, they shall not be entitled to six challenges each.

Sale of old or disabled slaves in certain cases.

SEC. 61. That if at a public sale of slaves, there happen to be some who are disabled through old age, or otherwise, and who have children they shall be sold with such one of their children as they may choose to go with.

Penalty against slaves carrying arms.

SEC. 62. That no slave shall carry any arms except by permission in writing of his owner, or person having him in charge; and in case any person shall find any slave in possession of any firearms or other dangerous or offensive weapons, without such permission, he may seize the same; and it shall be his duty within twenty-four hours after such

seizure, to go before a justice of the peace and declare on oath the circumstances of such seizure; and the justice shall forthwith notify the owner or other person having charge of such slave, if known, of the seizure; and if on the examination of the case the justice shall be satisfied that said weapon has been lawfully seized, he shall render a judgment of forfeiture in favor of the person who seized it; provided, however, that such weapon shall remain in the possession of the court, and the owner thereof shall have the right to reclaim the same at any time within ninety days thereafter, on the payment of ten dollars to the use of the person making the seizure, and the costs of forfeiture, unless such weapon shall have been stolen, in which case it shall be delivered up to the owner, on the payment of the costs of forfeiture.

SEC. 63. That no person whatever shall allow any slave, whose care and conduct are entrusted to him, to go off the plantation or premises without a written permission.

Slaves not to go off the plantation without written permission.

SEC. 64. That whoever shall give a pass or permit to any slave, who is the property or under the care of another person, without the consent or against the will of the owner or other person under whose charge he may be, shall be liable to the penalty of fifty dollars to the owner of the slave; and in case he is unable to discharge the fine, he shall be imprisoned for the space of one month.

Penalty for giving a pass to the slave of another without consent of the owner.

SEC. 65. That if any slave shall be found absent from his usual place of working, or residence, without some white person accompanying him, and shall refuse to submit himself to examination, any freeholder shall be permitted to seize and correct him, and if he should resist or attempt to make his escape, the freeholder is authorised to make use of arms, but to avoid killing the slave, but should the slave assault and strike him, he is authorised to kill him.

Slaves absent from their usual place of working, refusing to submit to examination, how dealt with.

SEC. 66. That whoever shall beat a slave without being lawfully authorised, shall pay for every such offense a fine not exceeding fifty dollars; and if the slave be mutilated or rendered incapable of working, he shall, besides, be obliged to pay the master of the slave the sum of two dollars per day for every day's work lost.

Penalty for unauthorizedly beating slaves.

And if any slave should be forever rendered unable to work, then the offender shall pay his value, and the slave thus disabled, shall be maintained at the expense of the person who disabled him; provided, that should the offender be unable to pay the fine and expense incurred, the court shall condemn the offender to prison for a period not less than one month nor more than one year.

SEC. 67. That every person occupying a plantation with slaves, shall be bound to have permanently thereon, a white person to oversee and maintain a good police among them; and on failure to do so, on conviction thereof, he shall be fined not less than one hundred nor more than five hundred dollars.

Penalty for not having a white overseer on plantation.

SEC. 68. That no person shall introduce into this State any child under the age of ten years, unaccompanied by its mother if living, under a penalty of not less than one thousand nor more than two thousand dollars, and the forfeiture of the slave. In all trials for a violation of this section, the burthen of proving the age of the child, and that its

Penalty for introducing slave children under ten years of age into the State without their mothers.

mother was dead at the time of introducing it, shall be on the person accused.

Penalty for selling mother or child separately from each other.

SEC. 69. That whoever shall sell the mother of any slave under the age of ten years, separate from said child, or shall sell any slave child under the age of ten years, separate from its mother, shall incur the penalties prescribed in the preceding section.

Rehibitory action granted in certain cases.

SEC. 70. That any person who shall have purchased any slave convicted of any crime out of this State, and brought into it, contrary to law, shall be entitled to a rehibitory action against the seller, besides being entitled to such damages as may be assessed by a jury.

(Sections 71, 72, 73, and 74 relate to the emancipation of slaves, and have been repealed by the act of 1857 which is inserted in Appendix at the end of this book.

Slaves not entitled to their freedom on account of having been where slavery does not exist.

SEC. 75. That no slave shall be entitled to his freedom under the pretence that he has been with or without the consent of his owner in a country where slavery does not exist, or in any of the States where slavery is prohibited.

When lawful to free runaway.

SEC. 76. That it shall be lawful to fire upon runaway negroes who may be armed, when pursued, if they refuse to surrender.

Taking up runaways.

SEC. 77. That every person taking up a runaway slave shall immediately convey him before the nearest justice of the peace, who shall either commit the slave to the parish prison or send him to the owner, employer, or overseer, if known, who shall pay the person taking him up, the rates hereafter specified, to wit :

Fees.

For taking up a slave in the woods, six dollars.

For taking up on the road or plantation, three dollars.

For mileage in all cases, going and returning, ten cents per mile.

For magistrates' committing, one dollar.

For jailor receiving and placing in confinement, one dollar.

For feeding slave while confined, twenty-five cents per day.

For magistrate, for receiving proof of ownership, one dollar.

For delivery by jailor to owner, fifty cents.

These fees and no others shall be charged.

Duty of jailor.

SEC. 78. That the jailor shall have every slave by him placed in confinement as a runaway, advertised in the nearest newspaper three times, making the advertisement as brief as possible so as to give a full description of the slave confined, with his name, the name of the owner and place of residence, if known, or as given by the slave ; and on the owner's payment of the same the jailor shall produce the printer's receipt for the payment of the advertisement, or the paper with the advertisement therein contained.

Expenses incurred by jailor.

SEC. 79. That all expenses incurred by the jailor, except feeding the slave, shall be made item by item ; the bill of items shall be sworn to by the jailor, and the said oath shall be in writing, signed and attached to the bill so rendered ; provided, that if the slave be put to work on the public works or otherwise, the owner shall not pay anything for his feeding.

SEC. 80. That the parish jail of East Baton Rouge, shall be the depot for the reception of such runaway slaves as may have been confined and advertised for sixty days in any of the jails of this State, without having been claimed by their masters.

Depot for the reception of runaways.

SEC. 81. That whenever a runaway slave shall not have been claimed by his master or by his attorney, within sixty days, the said slave shall be sent by the sheriff of the parish in which he may be detained, to the keeper of the aforesaid depot. And the sheriff shall receive for his mileage, going to and returning from said depot, six cents and a quarter per mile; a fee-bill of which expenses shall be deposited in the hands of the keeper of the depot.

Slaves when sent to the depot.

Fees of sheriffs.

SEC. 82. That the bill of all the expenses incurred for arresting and keeping any slave that shall be sent to the depot, shall be paid by the keeper thereof, at the time the slave shall be delivered to him, and the amount of the said costs, as well as of those which shall have been made at the depot, shall be paid by the owner at the time that he takes away said slave.

Bill of expenses to be paid by the keeper of depot and by owners of slave.

SEC. 83. That the municipal authorities of the city of Baton Rouge are authorized to employ runaway slaves. They shall be obliged to maintain them at their own expense during the time they may be so employed.

Municipal authorities authorized to employ runaway slaves.

SEC. 84. That it shall be the duty of the keeper of the depot to advertise in the weekly issue of the official gazette, for the space of three months, such runaway slaves as have been delivered to him from any of the jails of this State, unless sooner removed.

Advertisement to be made by keeper of depot.

SEC. 85. That in case the owner of any slave confined as a runaway shall permit him to remain in confinement for twelve months, the keeper of the depot shall deliver the runaway to the person authorized by law to take charge of the State hands, requiring and receiving at the same time of such delivery his receipt for the same, which shall contain a minute description of said slave, a duplicate receipt of which shall be handed to the auditor of public accounts by the keeper, to be deposited by him among the records of his office. The fees due the keeper, or that may have been paid to him, shall be paid by the treasurer of the State upon the warrant of the auditor of public accounts; said account of fees and charges having first been sworn to by the keeper.

Runaways to be delivered to person having charge of State hands.

Expenses and fees how paid.

SEC. 86. That said slave shall be, immediately after his reception by said person in charge of said internal improvement works, placed upon said works and cared for as other hands that may be engaged on the same.

Slaves to be placed on public works.

SEC. 87. That whenever the owner shall appear and claim said slave from the general depot, or person in charge of said slave engaged upon said internal improvement service, he shall be allowed to take the same in his possession upon the exhibition of a lawful authenticated title to the same, or due proof made to the satisfaction of the jailor of said depot or the auditor of public accounts, by two or more citizens of the neighborhood or parish in which said claimant may reside, and upon paying to said jailor of said depot or State treasurer all expenses that may have accrued upon said slave, as aforesaid.

Manner in which the owner may at any time claim and receive his slave.

Certificate to be carried by free colored persons carrying arms.

SEC. 88. That free colored persons who carry any arms shall be required to carry with them a certificate of a justice of the peace attesting their freedom, for want of which the arms shall be subject to seizure as in case of slaves.

Penalty for bringing statu liberi into the State, or for purchasing them.

SEC. 89. That whoever shall knowingly bring, or cause to be brought, into this State, any statu liberi, shall on conviction thereof, be punished by a fine not exceeding one thousand dollars, and by imprisonment not exceeding six months, or both, at the discretion of the court, and shall besides be compelled to pay the expenses of conveying the slave back to the place from whence he was brought, or elsewhere out of this State. Whoever shall knowingly purchase any such, (statu liberi) shall forfeit the slave thus purchased; the slave shall be sold for the time he is to serve, and on the condition of his being transported by the purchaser out of the State upon his becoming free; one-half of the proceeds of the sale to go to the informer.

Statu liberi, becoming free, how transported out of the State.

SEC. 90. That each statu liberi, shall when he becomes free, be transported out of the State at the expense of the last owner, by proceeding before the district court at the suit of any citizen, unless permitted by law to remain. When transported out of the State, he shall, on returning, be liable to all the penalties provided by law against free persons of color coming into the State.

Penalty for conveying into the State, as a slave, any free person of color.

SEC. 91. That whoever shall knowingly bring or cause to be brought into this State, any free person of color as a slave, shall upon conviction thereof, be fined one thousand dollars, one-half to go to the informer. He shall also be liable to such free person of color for damages.

Free persons of color allowed to depart from and return to the State. Proviso.

SEC. 92. That free persons of color, legal residents of this State, shall be permitted to depart from and return thereto, as their business may require; provided they shall not have established their domicile in a free State or country.

Free persons of color in certain cases may be ordered to depart from the State.

SEC. 93. That all free persons of color who are now in this State in violation of law, or who may come into this State, except in cases expressly permitted by law, shall be arrested and proceeded against by warrant, before any judge, justice of the peace or mayor in this State. And upon due proof of their having come into the State in violation of law, it shall be the duty of said judge, justice of the peace or mayor, to order any such free person of color to depart therefrom within sixty days.

Penalty for their not departing when ordered to do so.

SEC. 94. That any free person of color who, having been ordered to depart from this State, shall, after the period assigned for his departure, be found therein, shall, upon conviction of having disobeyed said order, be sentenced to one year's imprisonment at hard labor, and to depart from the State in thirty days after the expiration of his imprisonment; and on conviction of a failure so to depart, he shall be sentenced to imprisonment of hard labor for five years.

Bond to be given in certain cases by masters of vessels.

SEC. 95. That the mayor, recorder or justice of the peace shall require from the master of every vessel, on board of which any free person of color shall have been brought into this State, as is provided in the following section, a bond with security in the sum of five hundred dollars for each person, payable to the Governor of the State, and conditioned

that the said free person of color shall not leave the vessel without a legal permit.

Upon failure of the master to give bond as aforesaid, within twenty-four hours after the arrival of the vessel, the free person of color employed on his vessel shall be arrested and confined in jail until the vessel is ready to depart, when the master shall, by the written permit of the magistrate, take and convey away said free person of color, upon paying the expenses of his apprehension and confinement.

Penalty for not furnishing said bond.

SEC. 96. That any free person of color employed on board of any vessel which may arrive in this State, shall be permitted to remain on board without imprisonment, upon the execution by the master of the vessel of the bond prescribed by the preceeding section.

Free persons of color allowed to remain on board on execution of said bond.

SEC. 97. That it shall be the duty of the master of every such vessel, immediately upon his arrival at any port in this State, to report to the mayor, recorder, or competent authority, in writing under oath, the name, age, description and capacity of every free person of color employed on board his vessel, and obtain a passport from such authority to permit such person of color to land, should it be necessary for his duties and employment as cook or steward, and it being within discretion of said mayor, recorder or competent municipal officer, to grant or refuse such passport.

Duty of masters of vessels to report free colored persons on board their vessels.

SEC. 98. That in case a free person of color so arriving as aforesaid, shall be found on shore without such passport, he shall be imprisoned until the departure of said vessel; the cost of his arrest and detention shall be paid by the master of the vessel.

Penalty against free colored persons for being on shore without passport.

SEC. 99. That no slave shall be admitted as a witness either in civil or criminal matters, for or against a free person of color, except in case such free individual be charged with having raised or attempted to raise an insurrection among the slaves of this State, or adhering to them by giving them aid or comfort in any manner whatsoever.

In what cases slaves may be admitted as witnesses against free persons of color.

SEC. 100. That all laws or parts of laws conflicting with the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code or Code of Practice, be repealed.—Acts of 1855, p. 377.

Certain laws repealed.

For emancipation of slaves, see Acts of 1857, in appendix at the end of this book.

For trial of slaves for capital crimes, see Acts of 1855, page 37; and Acts of 1855, page 383.

DECISIONS OF SUPREME COURT.

1.—Slaves are treated as persons by the criminal law, and are so classed both in Codes of 1808 and 1825.—8 R. R. 521; 4 Ann. 183.

2.—One who arrests a runaway slave is not liable, in case of his escape, for not having carried him immediately before a magistrate; he is entitled to a reasonable time to do so, and, if he be guilty of no negligence, will not be chargeable.—7 M. 371.

3.—As to sheriff's charges for keeping runaway slaves, see 3 N. S. 576.

4.—One who holds possession of a runaway slave, without right or title, although his motives be not criminal, is liable for the payment of all loss and damage actually suffered by the owner in recovering possession.—3 La. 453.

5.—The laws of this State on the subject of slaves, whether in the Civil Code, Code of Practice or in the ordinary statutes, being on the same subject, must be construed together, and in such manner as to give effect to all.—3 Ann. 339.

SLAVE MARTS AND NEGRO TRADERS.

An Ordinance relative to Negro Traders and Slave Marts.

To be licensed,
etc.

No. 774. (1.) It shall not be lawful for any person to keep or occupy any establishment within the limits of the city, for the sale or barter of slaves, unless permission be expressly granted by the common council; and it shall be the duty of the mayor to order the removal, within ninety days, of all slave depots from any street wherein a majority of the resident real estate owners within four blocks of such establishment, shall, by petition, request him so to do. All persons violating the provisions of this section shall be fined not less than twenty dollars for every day they shall be in contravention.

Premises to be
enclosed,
cleansed, etc.

No. 775. (2.) The premises must be so enclosed as to prevent slaves from being seen from the street; they must be kept properly ventilated, cleaned, and in good order, under a penalty of a fine of not less than twenty-five dollars for every offense, and five dollars a day for every day the offense shall be continued after notice from the mayor.

Contagious
diseases, etc.

No. 776. (3.) In case of the existence of small-pox, measles, or any infectious or contagious disease in any slave mart, it shall be the duty of the keeper to have the sick person or persons removed to some hospital, or other proper place, at the risk and expense of the owner or owners; and every person violating this section shall be fined not less than fifty dollars for every offense.

Slaves on side-
walks.

No. 777. (4.) All negro traders permitting their slaves to stand on, or walk along the sidewalks or streets in front of their marts, shall be fined not less than twenty-five dollars for every offense.

Repealing clause.

No. 778. (5.) All ordinances and parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

City Ordinance, No. 3148. Approved Dec. 17th, 1856.

For City Tax, see No. 650.

SMOKE HOUSES.

An Ordinance relative to Smoke Houses.

No. 779. It shall not be lawful for any person, without the permission of the common council, to build or keep any smoke-house within the limits of the city of New Orleans. Every person acting in contravention of this ordinance, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, and shall pay a further fine of five dollars a day until the same be removed.

Not lawful without permission, etc.

City Ordinance, No. 3149. Approved Dec. 17th, 1856.

STABLES AND DAIRIES.

An Ordinance relative to Stables and Dairies.

No. 780. (1.) It shall not be lawful to erect within the following limits: east of Apollo, between the upper line of the city and Felicity; east of Benton, between Felicity street and New Canal; east of Galvez street, between the New Canal and Canal Carondelet; east of Broad street between Canal Carondelet and Esplanade streets; east of Goodchildren street, between Esplanade and Independence; above Independence, from Goodchildren to the river, any livery stable, or to erect or keep any stable or shed, for the purpose of keeping more than two cows, without first obtaining leave of the common council. Any person violating these provisions shall be fined not less than ten, nor more than twenty-five dollars, and five dollars a day for every day he shall use the said stables after notice from the street commissioner.

Erection of dairies and stables.

No. 781. (2.) All owners of stables, or stalls, or dairies, or persons renting the same, within the city or suburbs, are forbidden to suffer manure to accumulate in said stables, or stalls, or dairy, or on the premises of the same. And all such persons are required to keep constantly in a state of cleanliness, the said stables, or stalls, or dairies, and the whole extent of their premises, under penalty of a fine of not less than five, nor more than twenty-five dollars, against every offender for every act or neglect in violation of this section.

How to be kept.

No. 782. (3.) It is the duty of the street commissioner, whenever he shall deem it necessary, to notify all keepers of

Duty of street commissioner.

stables to remove all manure or offal from the said premises, and every person failing to comply shall be fined from ten to twenty-five dollars, and three dollars a day for every day he shall neglect to remove the manure or offal, after notice as aforesaid.

Combustible
matter, lights,
etc.

No. 783. (4.) No owner or occupant of any livery or other stable or dairy, within the city or suburbs, no cart driver, horse driver, nor any other person, shall use therein, nor in any place containing hay, straw, or any other combustible matter, any lighted candle, nor other light, except the same be securely kept within a glass, horn or tin lantern; under a penalty of ten dollars for each offense.

Erected five feet
from sidewalks.

No. 784. (5.) No stable shall be erected within five feet of the side walk of any public street or road, unless the line of the stable along the street be a brick wall without openings thereon, under a penalty of twenty-five dollars.

Repealing clause.

No. 785. (6.) All ordinances or parts of ordinances, conflicting with the provisions of this ordinance, are hereby repealed.

City Ordinance No. 3175. Approved, Dec. 26th, 1856.

For City Tax, see No. 666 and 692.

Use of Hay, etc., see No. 264.

STREET COMMISSIONER.

An Ordinance organizing the Street Commissioner's Department of the city of New Orleans.

His officers.

No. 786. (1.) The street commissioner's department shall consist of the street commissioner, elected by the people, of one deputy, of one clerk and of ten assistants, to be appointed by him, by and with the advice and consent of the common council.

His office, books,
bonds, etc.

No. 787. (2.) The street commissioner shall keep his office in the city hall, and a branch office in each district except the first district, wherein all reports, books and other documents appertaining to the same, shall be deposited and carefully kept. They shall be considered the property of the city, and shall be at all times accessible to the mayor and members of the common council. The said street commissioner shall take the oath required by the city charter, and he shall give bond, with one or more securities, (to the satisfaction of the common council,) in the sum of \$10,000, conditioned for the faithful performance of

his duties, and to secure the city against all claims, losses or injury that may arise from his neglect, inability, or the unfaithful discharge of his duties.

No. 788. (3.) It shall be the duty of the street commissioner His duties. to superintend the cleaning of all the streets, the repairing of all the paved and unpaved streets, the cleaning of the markets, the repairing of the wharves and levees, the repairing and attending of the bridges, shell roads and plank roads; the construction of all new pavements, shell, plank or other roads or highways ordered by the common council; the clearing of the side-walks; the enclosing of public places; the lighting of the streets, markets and public squares, and to see that all contracts given for the same be faithfully executed; to superintend the planting of trees on the public squares and promenades, and enforce the ordinances relative to the same; to enforce all ordinances relative to signs, wooden buildings, chimneys, stove pipes, bakeries, forges, stray animals, pounds, privies, vaults, sinks, incumbrances of streets, roads and side-walks, etc., etc.; to report and abate all nuisances which may affect the health or convenience of citizens; to see jointly with the surveyor that the ordinances relative to houses, buildings, walls, or any other object, which, from their ruinous condition, or any other cause, might, by falling down, interfere with the safety of the public way, or occasion accidents, be enforced; to make monthly reports to the common council of the condition of the streets, roads, side-walks, levees and other public places, and suggest the repairs to be made to the same; and generally to perform such other duties as the common council may direct; to superintend the removal of indigent sick persons to the hospital, and the burial of indigent deceased persons.

No. 789. (4.) The duties of the deputy shall be the same Duty of deputy. as those of the street commissioner, under whose immediate control he shall be, and in case of absence, inability, or sickness of the street commissioner, he shall act as street commissioner.

No. 790. (5.) The assistants and clerk shall be under the Assistant and clerk. immediate control of the street commissioner, and shall perform such duties as may be prescribed to them by him.

No. 791. (6.) The salary of the deputy street commissioner Salary and bond of deputy. be and is hereby fixed at \$1500 per annum. Said deputy shall take the oath required by the city charter, and furnish bond and security in the sum of \$500—to the satisfaction of the common council—to guarantee the faithful performance of his duties.

Salary of assistants. No. 792. (7.) The compensation to the assistants be, and is hereby fixed as follows, to-wit:

That of the assistant of the 1st ward at \$900 per annum.					
do	do	2d do	900	do	
do	do	3rd do	1000	do	
do	do	4th do	900	do	
do	do	5th do	800	do	
do	do	6th do	800	do	
do	do	7th do	800	do	
do	do	8th & 9th	1000	do	
do	do	10th & 11th	1200	do	

The assistant deputies of the 8th and 9th wards and of the 10th and 11th wards shall each keep a horse for his use and at his own expense.

And said assistants shall each take the oath required by the city charter, and shall each furnish a bond, with security to the satisfaction of the common council, in the sum of \$2000, to guarantee the faithful performance of their duties.

Salary of clerk. No. 793. (8.) That the salary of the clerk be, and is hereby fixed at \$1200 per annum.

Office hours. No. 794. (9.) That the street commissioner's office shall be kept open to the public every day, (Sundays and holidays excepted,) from sunrise to sunset.

Repealing clause. No. 795. (10.) That all ordinances, or parts of ordinances, contrary to the provisions of this ordinance be, and they are hereby repealed.

(11.) That this ordinance shall go into effect and be in full force from and after the *first of August next*.

City Ordinance, No. 3054. Approved, Nov. 1st, 1856.

Amended to read "1st November, 1856," by Ordinance No. 3069.

Superintendent of repairs, etc. No. 796. (1.) *Resolved*, That the street commissioner be, and he is hereby authorized to appoint, by and with the approval of the committees of streets and landings, an experienced and competent person to superintend the repairs of old, and the making of new bridges for the whole city, said person to be under the direction and control of the street commissioner.

Bond and security. No. 797. (2.) That the superintendent of repairs of bridges shall give bond and security in the sum of two thousand dollars, for the faithful performance of his duty, and that the said superintendent shall be liable, with his securities, for all loss or damages that may occur through his neglect.

No. 798. (3.) That the salary of said officer be fixed at \$125 Salary, etc. per month, with the reserved right of the common council to declare the office abolished at any time.

City Ordinance, No. 3139. Approved, Dec. 13, 1856.

No. 799. *Resolved*, That the following named officers be Abolishing certain officers. abolished, any ordinance or resolution to the contrary notwithstanding, if any such there be, and the name of the officers filling the same be stricken off the pay rolls from and after the end of March, 1857, viz:

Syndic of the second district, or bayou St. John; syndic of the third district; two superintendents of paving attached to the street commissioner's department.

City Ordinance, No. 3278. Approved, March 12th, 1857.

No. 800. (1.) That the surveyor and street commissioner To purchase requisite materials. be, and they are hereby authorized to purchase such materials as may be required by them in order to carry on the public improvements in their respective departments not under contract.

No. 801. (2.) That said officers shall make a monthly statement Monthly statement. to the council of all materials purchased by them, designating the purposes for which said materials were bought.

City Ordinance, No. 1531.

No. 802. That the street commissioner hereafter issue no Certificate to contractors. certificates to contractors for repairing and cleaning the streets of the city until the same be submitted for the approval of the chairmen of the committees of streets and landings.

City Ordinance, No. 2683.

No. 803. From and after the passage of this resolution, the Laborers' pay. pay of all laborers employed on the public works in charge of the surveyor or street commissioner, shall be at the rate of thirty-five dollars per month for each laborer.

City Ordinance, No. 724.

No. 804. That the surveyor and street commissioner be, and they are hereby, required to keep a book of record in their departments in which shall be daily recorded by their superintendents or overseers, the number of laborers, carts, etc., employed in their departments, designating separately, the several kinds of work on which they may be engaged. To keep a record of laborers, etc.

City Ordinance, No. 1387.

No. 805. That the resolution numbered 136, approved July To make semi-monthly report, 3, 1852, requiring the surveyor to report to the council twice

in each month, the number and description of mechanics, laborers, horses and carts, superintendents and overseers employed in his department, the compensation paid per day, or month, the work or works on which employed, and also requiring him to furnish information to this council which will enable it to understand fully the duties and requirements of all men thus employed, and judge of the propriety and necessity of their employment be amended so as to require the street commissioner to make similar reports.

City Ordinance, No. 360.

Monthly pay-rolls to be returned.

No. 806. That the wharfingers of the several districts, and the street commissioner be, and they are hereby directed and instructed to return monthly pay-rolls of the persons employed by them, and now on the pay-rolls of the surveyor's department.

City Ordinance, No. 905.

Violations of contract.

No. 807. That the street commissioner be, and he is hereby required to impose the fines—as provided in the specifications for the contracts for cleaning the paved and unpaved streets of the city on all contractors for cleaning the streets—as often as said contracts are neglected; and whenever any contractors shall have been fined three times during any one month, to report the fact to the council, in order that the contractor may be put in default.

City Ordinance, No. 1048.

For his duty relative to Awnings, etc., see page 11.

"	"	Board of Health, see No. 364.
"	"	Builders and Buildings, see page 26 and 27.
"	"	Burials and Cemeteries, see Nos. 132, 133, 139.
"	"	Census for Taxes, see No. 730.
"	"	Chimneys, see No. 152.
"	"	Fire, its prevention, see page 92.
"	"	Fire Limits, see page 30.
"	"	Fences, see No. 260.
"	"	Ferries, see No. 262.
"	"	Offenses and Nuisances, see page 172.
"	"	Pounds, see page 207.
"	"	Stables and Dairies, see No. 782.
"	"	Stoves, see No. 152.
"	"	Streets, etc., etc., see page 281.
"	"	Water Works, see No. 946.

And see "Vehicles."

ACTS OF THE LEGISLATURE.

Duties of street commissioner.

SEC. 34. That the street commissioner shall superintend the lighting, cleaning and repairing the streets, wharves, and enclosing public places, and see that all contracts given for the same be faithfully executed. He shall make monthly reports to the council of the condition of

the streets, sidewalks, levees and other public places, suggest the repairs to be made to them, and denounce all nuisances which may affect the health or convenience of citizens; and generally, he shall perform all such other duties as the common council may direct. He shall receive a salary of \$3,000 per year.—Acts of 1856, p. 146.

Salary of street commissioner.

See also Acts of 1856, p. 137, sects. 6, 8, placed under "Officers," page 188.

See Acts 1856, p. 143, sec. 30, placed under "Comptroller," p. 188.

See Acts 1856, p. 166, sec. 125, placed under "Officers," p. 188.

STREETS, SIDEWALKS, ALLEYS, SQUARES, LEVEES AND PUBLIC PLACES.

Whereas, Different names have been given to continuous parts of the same streets in the city of New Orleans, thereby occasioning frequent embarrassment to wayfarers in said city; and whereas, it is advisable to simplify the map of said city, to render the directions to its different parts more clear, therefore,

No. 808. *Be it ordained*, That from and after the passage of this ordinance, the streets of the first and fourth districts parallel to the river, shall have the same names, starting from Canal street and extending to the upper limits of the city, and the streets in the second and third districts shall have the same names, starting from Canal street and extending to the lower limits of the city, in the following manner, to wit:

Names of streets.

IN THE FIRST AND FOURTH DISTRICTS.

No. 809. New Levee and Levee streets shall be known as New Levee street.

Change of names of certain streets in first & fourth districts.

Religious and Bellechasse streets shall be known as Religious street.

St. Thomas, St. John the Baptist, Bellegarde, and Fulton streets, shall be known as St. Thomas street.

Pacancier, Soubie and Chippewa streets shall be known as Chippewa street.

Annunciation, Elizabeth and Jersey streets, shall be known as Annunciation street.

St. Michael and Laurel streets, shall be known as Laurel street.

Constance, St. Azelie, Live Oak and Foucher streets, shall be known as Constance street.

Camp, Colliseum and Liberal streets, shall be known as Camp street.

Tainturier and Chesnut streets, shall be known as Chesnut street.

Colliseum, Ursule and Plaquemine streets, shall be known as Colliseum street.

St. Charles and Nayades streets shall be known as St. Charles street.

Carondelet and Apollo streets shall be known as Carondelet street.

Baronne and Bacchus shall be known as Baronne.

That Phillippa and Dryades streets shall be known as Dryades street.

That Circus, Hurecules and Rampart streets, shall be known as Rampart street.

St. John, White and Basin streets, shall be known as Basin street.

Franklin, St. Peter and Benton streets shall be known as Franklin street.

Treme, St. Paul and Liberty streets, shall be known as Liberty street.

Girond, Cedar and Howard streets, shall be known as Howard street.

Freret, Pine and Jacob streets, shall be known as Freret street.

St. Mary, Locust and Solis streets, shall be known as Locust street.

St. Marc, Magnolia and Maunsel streets, shall be known as Magnolia street.

St. Magdeline, Vine and Clara streets, shall be known as Clara street.

St. Adeline, Willow and Martin streets, shall be known as Willow street.

White and Sixth streets shall be known as White street.

Dupre and Fifth streets shall be known as Dupre street.

Gayoso and Fourth streets shall be named Gayoso street.

Salcedo and Van Buren streets shall be known as Salcedo street.

Lopez and Third streets shall be known as Lopez street.

Rendon and Second streets shall be known as Rendon street.

Hagan avenue and St. John avenue shall be known as Hagan avenue.

Clark and Violet streets shall be known as Clark street.

Genois and Lemon streets shall be known as Genois street.
 Telemachus and Mulberry shall be known as Mulberry street.
 St. John and St. Peter shall be known as Scott street.
 St. James and Marley as Pierce street.

IN THE SECOND AND THIRD DISTRICTS.

No. 810. Public Road and Levee street shall be known as New Levee street.

Change of names
of certain streets
in second and
third districts.

Old Levee street and Victory streets shall be known as Levee street.

Chartres, Conde and Moreau streets shall be known as Chartres street.

Royal and Casacalvo streets shall be known as Royal street.

Bourbon and Bagatelle streets shall be known as Bourbon street.

Dauphin and Greatmen streets shall be known as Dauphin street.

Burgundy and Craps streets shall be known as Burgundy street.

Rampart and Love streets shall be known as Rampart street.

St. Claude and Good Children streets shall be known as St. Claude street.

Marais, Plauche and Moralles streets shall be known as Marais street.

Villere and Girod shall be known as Villere street.

Robertson and St. John Baptist as Robertson street.

Claiborne and St. Avid as Claiborne street.

Derbigny and Prosper as Derbigny street.

Johnson and Liberal streets shall be known as Johnson street.

Dorgenois and Magistrate shall be known as Dolhonde street.

Sixth and White streets as White street.

Dupre and Fifth street as Dupre street.

Gayoso and Fourth streets as Gayoso street.

Salcedo and Van Buren as Salcedo street.

Lopez and Third streets as Lopez street.

Rendon and Second streets as Rendon street.

Hagan avenue and First street as Hagan avenue.

And be it further ordained, That the following streets, perpendicular to the river, shall be known as follows, to wit:

IN THE FIRST DISTRICT.

No. 811. Roffignac, Josephine, Basin, Prytania Walk and Tersichore streets shall be known as Tersichore street.

Change of names
of streets perpendicular to river.

Edward and Melpomene streets as Melpomene street.

Benjamin, Estelle and Thalia as Thalia street.

Suzette, Mellicerte and Erato streets as Erato street.

Gaiennie and Bartholomew streets as Gaiennie street.

Louisa, Duplantier and Calliope as Calliope street.

Delord and Fulton Walk as Delord street.

Girod street shall be known as Broom street. (Rechanged to Girod street, by city ordinance 1682.)

Julia street and Florida Landing as Julia street.

Lafayette and Hevia as Lafayette street.

Jackson street shall be known as Gasquet street.

IN THE THIRD DISTRICT.

History and Kerlerec streets as Kerlerec street.

Mysterious and Columbus streets as Columbus street.

Bagatelle street shall be known as Bourbon street.

Washington avenue and Poet street shall be known as Washington street.

Enghein street to be known as Lafayette avenue.

City Ordinance No. 395. Approved 20th Nov., 1852.

No. 812. From and after the passage of this resolution, the St. Andrew street running parallel with Claiborne street, in the fourth district, be known as Benton street.

City Ordinance, No. 955.

No. 813. That the name of Touro avenue be, and is hereby changed to the original name of Canal street.

City Ordinance, No. 2124.

That the street formerly denominated and known as New Levee, be changed, and from the passage of this resolution be called and bear the name of Peter's street; and that likewise shall be changed the street called Old Levee street, instituting in its stead Decatur street.

City Ordinance, No. 2314.

Sidewalks,

No. 814. That whenever the property owners at the corners of streets, relay their sidewalks, they shall have the privilege of relaying the intersections, for which the city is obliged to pay, and be reimbursed by the city for said portion, at the price fixed by the surveyor.

City Ordinance, No. 145.

No. 815. (1.) *Be it ordained*, That in all cases where any of the pavements, sidewalks, gutters, curb-stones, bridges, or the wings thereof, on any of the streets, alleys, lanes, public squares or other public places, shall be out of repair, by cause of any of the works executed by the New Orleans Gas Light Company, or the Commercial Water Works Company, or any other chartered company within the limits of the city, it shall be the duty of the company whose works have caused repairs to be necessary, to have the same executed within such reasonable delay as the case may require, and which delay may be specified in a written notice and served on them by the street commissioner or his deputies, and in case of failure to comply with said written notice, any such chartered corporation or company shall be liable to a fine or penalty of ten dollars per day in each case whilst in default, recoverable before any court of competent jurisdiction for the benefit of the city.

Repairs to streets, etc., by gas and other companies.

See "Water Works," No. 945.

No. 816. (2.) That in making repairs of pavements, all chartered companies or corporations shall be governed as to the kind and quality of the materials to be used, and the manner of performing the work, by the same rules and regulations as may at the time be prescribed in the specifications governing the contracts for repairing the paved streets; or if said paved streets' repairs shall be executed without contract, then said companies or corporations shall, in making their repairs, use such materials as may at the time be judged proper by the street commissioner, under a penalty of not less than ten, nor more than one hundred dollars for each and every offense, recoverable as aforesaid.

Repairs to streets, etc., by gas and other companies.

City Ordinance, No. 2353. Approved August 10th, 1855.

No. 817. (1.) From and after the passage of this ordinance, it shall not be lawful for any person or persons to encumber or obstruct any of the streets, public roads, public grounds, public squares or promenades, sidewalks or gutters of the city, by depositing in or on the same any box, bale, hogshead, barrel, or any goods, wares or merchandise, or any article or object whatever, except for the necessary time for loading and unloading the same, in order that at all times a free, commodious and convenient passage may be left to pedestrians, and to carts, drays or other vehicles, and to the flow of waters in the gutters; and should any owner or owners, or any person or persons having charge of the same, or any of them—after being notified by the street commissioner or any of his deputies to remove such obstructions—

Obstructing pavements, streets, etc.

fail to do so immediately, he or they shall be liable to pay a fine of not less than five or more than one hundred dollars, recoverable before any court of competent jurisdiction.

Duty of street commissioner to remove obstructions, etc.

No. 818. (2.) And it shall then be the duty of the street commissioner or his deputies, under his directions, to remove and store the same in some safe and convenient place with some responsible person, or, as the case may require, remove the same to the public pound of the district where so found in contravention; and if the same shall not be claimed by the owner or owners thereof within three days thereafter, then it shall be the duty of, and the said street commissioner is hereby directed to advertise and sell the same as provided for in the case of strays and drays etc., in this ordinance; provided always, that the provisions of this section shall not be applicable to the case of building or repairing any house or other edifice, as regulated by existing ordinances.

• City Ordinance, No. 75I, Sect. 6.

For Strays and Drays referred to, see "Pounds." No. 593. etc.

See Builders and Buildings, p. 26 and 27.

Sidewalks, etc., repairs.

No. 819. (1.) Whenever any of the sidewalks, common alleys or foot passages, within the corporate limits of the city shall need repairs, it shall be the duty of the street commissioner, or his deputies, to notify in writing the owners or their agents of the property fronting or bordering thereon, to cause said repairs to be made within ten days after service of said notice.

Street commissioner to repair.

No. 820. (2.) After the expiration of said ten days, in case said sidewalks, common alleys or foot passages, are not repaired by the owners or agents aforesaid, it shall be the duty of the street commissioner to cause the necessary repairs to be made at the expense of said owners of property fronting or bordering on said sidewalks, common alleys or foot passages.

Penalty for not repairing.

No. 821. (3.) Any person or persons refusing or neglecting to repair the sidewalks, common alleys, or foot passages in front of his or their property, or bordering thereon, or cause the same to be made, when required, after the expiration of the ten days, shall be liable, in addition to the cost of making said repairs, to a fine of ten dollars for each day he or they are in contravention, said fine to be recoverable before any court of competent jurisdiction.

Repealing clause.

No. 822. (4.) This ordinance shall be in force from and after its promulgation, and all ordinances of the late municipalities, or late city of Lafayette conflicting therewith, be, and the same are hereby repealed.

City Ordinance, No. 1586. Approved June 23d, 1854.

No. 823. (1.) From and after the passage of this ordinance, Common alleys, etc. it shall be the duty of the street commissioner to publish in the official journal of the city, a notification, in the English and French languages, addressed to all owners of property, lying between paved streets, or between a paved and an unpaved street, situated within the limits of the several districts of the city of New Orleans whose property fronts upon a common alley, to have said alley paved with square granite blocks, or brick or stone slabs at their own expense, within six months after the first publication of said notification; and at the expiration of said delay, should said owners neglect or refuse to comply with said ordinance, it shall be the duty of said street commissioner to give them a special written notice, signed by him, in his official capacity, calling upon them to comply with the requisites of the present ordinance, within ten days of said notification, or in default of so doing, after the expiration of said last delay, should said owners still neglect and refuse to comply with the requirements of the present ordinance, said owners shall then be liable to pay a fine of five dollars per day until they shall cause said common alley to be paved, said fine to be recovered for the benefit of the city, before any competent tribunal.

No. 824. (2.) As soon as the delay granted to the owners of property mentioned in the first article of the present ordinance shall have expired, it shall be the duty of the street commissioner Duty of street commissioner and assistant attorney. to report to the assistant attorney of the city the name and residence of each and every delinquent, and said attorney shall immediately institute suit against them for the recovery of the fine mentioned in the first article of the present ordinance.

City Ordinance, No. 1038. Approved 19th July, 1853.

No. 825. That the ordinance No. 1038, relative to common Common alleys. alleys, be so amended as to leave undisturbed all alleys properly paved and graded at the time of the promulgation of said ordinance.

City Ordinance, No. 1163.

No. 826. That ordinance No. 1038, approved July 19th, Common alleys. 1853, entitled "An ordinance relative to the common alleys in the city of New Orleans," shall not be construed as applying to alley ways now paved in round stone or otherwise.

City Ordinance, No. 1600.

No. 827. That merchants, storekeepers and all other persons Watering streets. in this city be, and they are hereby authorised to have the streets

in front of their property or stores watered, provided the same be done at their own expense.

City Ordinance, No. 2632.

Whereas, many errors have occurred in establishing the street lines of the city, particularly in the first district, by which the citizens suffer great loss and inconvenience; therefore,

Street lines and
stone bounds.

No. 828. (1.) *Be it resolved*, that the surveyor be, and he is hereby authorised and directed to use all possible exertions to establish, with stone bounds to be placed at every five squares in all the streets of the city, the lines of said streets.

Street lines and
stone bounds.

No. 829. (2.) *Be it further resolved*, that said bounds, when placed, shall be recognised by the common council of the city of New Orleans as the only true and correct lines of the streets, and that it shall be the duty of all surveyors to follow the same in giving the lineations of lots.

City Ordinance, No. 799.

Mode of cleaning
streets.

No. 830. It shall be the duty of the street cleaners, to clean the gutters (with hoes or scrapers) of all filth, and put the same in piles, and have it carried away the same day to such places as the street commissioner may designate; and after the gutters shall have been cleansed with hoes or scrapers, the water may be let in the gutters from the fire plugs; and while the water is running the street cleaner shall use brooms and sweep the gutters—always using hose to convey water from the fire plugs to the gutters. For any violation of this ordinance the offender shall be liable to a fine of ten dollars for every offense, recoverable before any magistrate, one-half of the fine to go to the informer.

City Ordinance, No. 2143.

Penalties against
contractors.

No. 831. That the street commissioner be, and he is hereby required to impose the fines—as provided in the specifications for the contracts for cleaning the paved and unpaved streets of the city—on all contracts for cleaning the streets, as often as said contracts are neglected; and whenever any contractor shall have been fined three times during any one month, to report the fact to the council, in order that the contractor may be put in default.

City Ordinance, No. 1048.

Contractor certi-
ficates.

No. 832. That the street commissioner hereafter issue no certificates to contractors for repairing and cleaning the streets of the city, until the same be submitted for the approval of the committee of streets and landings.

City Ordinance, No. 2683.

No. 833. That the street commissioner be, and he is hereby Duty of street cleaners. directed to forbid and prevent the contractors for cleaning streets, from depositing any of the kitchen offal and garbage on the streets of the city, and to discontinue the filling of Poydras and Tobin canals during the summer and fall months.

City Ordinance, No. 2791.

No. 834. That the mayor give notice in accordance with the Public park. acts of the legislature, that it is the intention of the common council of New Orleans to open and lay out as a public park, squares fronting on Metairie road, numbered 634 to 635, 669 to 675, 692 to 698, 714 to 720, 737 to 743, 755 to 758, 665 to 668, 699 to 502, 710 to 715, 744 to 747.

That should no satisfactory opposition be made thereto, after due notice, the mayor is authorized to take the necessary legal steps for the opening and laying out of said park.

City Ordinance, No. 278.

No. 835. (1.) For the better preservation of the public Public park. property of the city of New Orleans, it shall be the duty of the chief of police to detail one man, whose duty it shall be to guard and protect the interest of the city of New Orleans, and to prevent the destruction of the trees, or any other property belonging to the city on the Metairie ridge, known as the City Park.

(2.) It shall not be lawful for any person or persons, military company or companies, to use the grounds of the city park for target excursions or any such purpose as may be injurious to the trees or property, under a penalty of not less than fifty dollars for such offense, recoverable before any court of competent jurisdiction, for the benefit of the city.

City Ordinance, No. 2115.

No. 836. That the surveyor be, and he is hereby authorized Jackson square to cause the Jackson square, in the second district, to be opened till 10 o'clock, P. M., from 1st of May to 1st of November of each year.

That the surveyor is directed to use the roller for smoothing the shells lying in the alleys.

City Ordinance, No. 296.

No. 837. That the street commissioner be, and he is hereby Jackson square. authorized to employ a suitable person as gardener of Jackson square, at an expense not exceeding \$1000 per annum, for said gardener and his two assistants.

City Ordinance, No. 2222.

Public squares
and promenades.

No. 838. According to the act of consolidation, the public squares and promenades of the city be, and they are hereby placed in charge of the street commissioner, who shall return on his monthly pay-roll the names of all persons employed in taking care of the same.

City Ordinance, No. 1625.

For contract relative to repairing streets, crossings, etc., see city ord. No. 2793.

For contract relative to repairing bridges, etc., see city ordinance No. 2901.

Repeal of certain
ordinances.

No. 839. That an ordinance entitled "An ordinance concerning the paving and completing the foot-paths (causeways) of the city of New Orleans and its incorporated suburbs," approved September 27, 1827; also a resolution amending the same, approved April 29, 1830, and also another resolution amending the same, passed December 18, 1830, be, and the same is hereby repealed.

City Ordinance, No. 2354.

See No. 510.

See Batture, p. 18.

See Buildings, p. 27.

See Fences, p. 90.

See Offenses and Nuisances, page 172.

For privileges of builders, see Nos. 79 and 81.

For petition to council for paving, etc., see No. 193.

Engines not to run on sidewalks, No. 321.

See "Vehicles" and "Wharves."

Obstructing sidewalks of markets, see Nos. 447 and 453.

ACTS OF THE LEGISLATURE.

Paving and ban-
quetting streets.

SEC. 119. That whenever one-fourth of the owners of real property, fronting upon any unpaved or unbanquetted street in the city of New Orleans, shall, by petition, signed by the petitioner or petitioners, and addressed to the common council of said city, ask for the paving or for the banquetting of said street, or for any portion thereof, setting forth the character and quality of said pavement, or of said banquetting, said common council shall cause said petition to be published in French and English, in the official journal of said city, for and during eight weeks, once in each week; and if, at the expiration of said publication so made of said petition, a majority of the owners of real property fronting on said street, or on said portion thereof, shall not, by memorial, signed by the memorialist or memorialists, and addressed to said common council, object to the same, said common council shall, by resolution or otherwise, order said paving or said banquetting, so petitioned for, to be made, in accordance with section 30 of this act; and the whole cost of said pavement, or of said banquetts, so made as aforesaid, shall be borne by the owner or owners of real property fronting on said pavement, or on said banquetts, in equal proportion, according to the running front foot: Provided, that no petition for new paving or new banquetting shall be

presented to the common council during the months of July, August or September.

SEC. 120. That whenever any owner or owners of property, fronting upon any paved or banquetted street in the city of New Orleans, shall, by petition, signed by the petitioner or petitioners, and addressed to the common council of said city, ask for a new paving or a new banquetting of said street, or of any portion thereof, of a character different from the then existing pavement or banquettes of said street, or of said portion thereof, and setting forth in said petition the character and quality of said new pavement, or of said new banquetting, the common council shall cause said petition to be published in French and English, in the official journal of said city, for and during eight weeks, once in each week; and if, at the expiration of said publication so made, of said petition, a majority of the owners of real property fronting on said street, or on said portion thereof, shall not, by petition or otherwise, signed by the petitioner or petitioners, and addressed to said common council, object to the same, said common council shall, by resolution or otherwise, order said new pavement, or said new banquetting so petitioned for, to be made, in accordance with section 30 of this act; and the whole cost of said new pavement, or of said new banquetting, so made as aforesaid, shall be borne by the owners of said real property fronting on said new pavement, or on said new banquettes, in equal proportion according to the front foot: Provided, that no petition for new paving or new banquetting shall be presented to the common council during the months of July, August or September.

Paving and banquetting streets.

SEC. 121. That whenever any owner or owners of real property situated in the city of New Orleans, shall by petition, signed by the petitioner or petitioners, and addressed to the common council of said city, ask for the opening, widening, or straightening of a street or streets through their property and through other real property adjacent thereto, setting forth in said petition the length, width and direction of said street or streets, together with a description of said other adjacent real property, and the names of the owners thereof, said common council shall, if it deem the same to be for the public benefit, cause said petition to be published in French and English, in the official journal of said city, for and during eight weeks, once in each week; and if, at the expiration of said publication so made of said petition, a majority of the owners of said other adjacent real property, shall not, by petition, signed by the petitioner or petitioners, and addressed to said common council, object to the same, said common council shall, by resolution or otherwise, order said street or streets so petitioned for, to be opened, widened or straightened, under and in accordance with existing laws; and the whole cost of said opening, widening or straightening of said street or streets, so made as aforesaid, shall be borne by the owners of the property affected by the same: Provided, that no petition for opening, widening, or straightening streets, shall be presented to the common council during the months of July, August or September.

Opening, widening or straightening of streets.

SEC. 122. That all costs of publication of petitions, as required by sections 120, 121 and 122 of this act, shall be paid by the signers of the

Cost of publication, required by sections 120, 121

and 122 of this act, how paid. same; and the majority of owners, within the meaning of sections 120 and 121 of this act, shall be construed to be the owner or owners of a

What is meant by "majority of owners" in said section.

Streets and banquettes, by whom kept in order.

majority of running feet of real property fronting on the street, or portion of street to be paved, banquetted, or new paved, or new banquetted, in accordance with said sections 120 and 121 of this act; and further, the majority of owners within the meaning of section 122 of this act, shall be construed to be owner or owners, of a majority in value of the property to be affected by the opening, widening, or straightening of a street or streets, in accordance with said section 122 of this act.

SEC. 123. That all paved and unpaved streets and unpaved banquettes, in the city of New Orleans, shall be kept in repair by said city; and all paved banquettes in said city, shall be kept in repair by the owners of real property fronting thereon.—Acts 1856, p. 164.

An Act concerning Levees and for other purposes.

Power of the mayor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That if any person or persons shut up, by means of a fence or any other obstruction, any street or public way, acknowledged as such, and of which the public shall be in actual possession, in the city of New Orleans, either in the city itself or in the incorporated or unincorporated faubourgs, the mayor shall have the power, upon the fact being made known to him by the affidavit of any credible person, to cause the said fence or other obstruction, to be removed at the expense of the person who shall have erected the same, after having given written notice to said person, if he be known, to destroy or remove the same, within any reasonable delay he shall determine; or if said person be not known, the said mayor shall cause the said fences or other obstructions to be removed or sold, if said objects are saleable, upon inserting a notice to that effect in English and French, in two of the newspapers of New Orleans.—Acts 1830, p. 114.

For "Opening, laying out and improving streets and public places," see acts 1832, p. 132.

See acts 1840, p. 51, sec. 7.

See acts 1850, p. 98; and p. 130, sec. 8; and p. 161, sec. 19.

See acts 1852, p. 131, sec. 7.

See acts 1847, p. 162; acts 1846, p. 138.

DECISIONS OF THE SUPREME COURT.

1.—The municipal authorities are bound to preserve unobstructed, for public use, the streets of the city and the banks of the river, which are public places; and though they may tolerate, temporarily, works not deemed injurious to the rights of the public, no permission of a council can prevent a subsequent council from putting an end to such toleration.—6 R. 349.

2.—A purchase of real estate by the corporation, with a view to divide it into lots and streets, and to resell the property for the public convenience, etc., is legal.—2 R. 491.

3.—The council may order the removal of works and the demolition of buildings that interrupt or impede the use of the public ways and the banks of the river.—4 M. 10, and p. 2, and 3 La. 563. And the power of regulating the public ways and maintaining order thereon is in the council.—5 Ann. 34.

4.—The corporation have the power to impose a tax on the front proprietors of ground within the city and incorporated faubourgs, for the purpose of paving the streets and making the banquettes.—1 La. 5.

5.—Owners of real estate cannot be compelled to pay any portion of the cost of paving done in front of their property, unless such paving was directed to be done by a special ordinance, after notice given to the parties interested.—8. R. R. 198.

6.—The corporation have no power to take the property of individuals for the purpose of making a public street, without granting previous compensation to those individuals.—5 La. 422.

7.—The question as to the breadth of land, which a municipal corporation has a right to require for the construction of a road and levee is, within certain limits, an administrative question, to be left to the discretion of the local authority.—4 Ann. 73.

8.—The charge imposed by ordinance for paving side walks is not a tax, and institutions exempt from taxation will have to pay it.—4 Ann. 1.

9.—Public streets and roads cannot be appropriated to private uses.—3 M. 303.

10.—The right of soil in public roads is vested in the public, and such a road cannot be considered as a mere servitude, or right of way, due by the proprietor of the adjoining lands,—4. M. 136. But the principle laid down in this case, is subject to some limitation. The property in highways (*grands chemins*) is vested in the whole nation, but public roads (*chemins publics*) may be made on land subject to private ownership.—3 Ann. 482.

11.—The use of the banks of the river and the batture outside of the levee, is vested in the public; but the ownership, or title to the soil, is vested in the front proprietors, and they cannot deprive the public of that right of use at their own pleasure, or impose any than legal limitations on it.—18 La. 122; 18 La. 178; 18 La. 295; 13 La. 331.

12.—No silence or length of time can deprive a corporation of its power over public places. Its inaction may give an estate by sufferance, but nothing more.—4 Ann. 73; 4 M. 10.

13.—The space between the public road and the levee is private property, to the exclusive use of which the owner is entitled; and he may use the part which extends from the levee to the river, subject to the regulations of the municipal authority, provided he do not prevent the use of it by others; and he may confer upon a lessee the same right.—8 R. R. 211.

14.—The property of the banks of the rivers is in those who possess the adjacent lands, and they have a right to prevent the unlawful use of them by the agents of the public.—4 Ann. 30.

15.—Public places within the limits of a corporation cannot be appropriated to private use, 2 Ann. 770. The sovereign alone has the power of changing the destination of public places.—3 Ann. 230.

16.—Within the limits of incorporated towns the municipal governments are authorized to regulate the use of the banks of rivers, and to cause obstructions to be removed; but they have no right to convert the batture formed in front of the property of individuals to private purposes, such as wood yards, saw mills and the like.—5 Ann. 36.

17.—Squares, or other places of land left vacant, on the plan of a city, are not in consequence of that fact alone, to be considered as public places, and dedicated for the use of the whole world, unless the plan contain something on its face to show such dedication, implying a promise on the part of the owner that they should always remain open.—5 La. 132.—See 9 La. 153; 16 La. 509.

18.—The owner of property, who divests himself of a title by dedication to public use cannot recover it.—16 La. 509.

19.—The commissioners, appointed under the act of 1832, for opening and widening streets, are made the sole judges of the cases in which improvements are of so general a nature as to require a payment of a portion of the expenses by the whole community.—13 La. 325. An assessment is the peculiar province of commissioners, and like the finding of a jury, should not be disturbed except for manifest error.—15 La. 597. The court can, in no case, amend an assessment made by the commissioners. The report must be approved or rejected *in toto*; and in case of rejection the court is bound either to appoint new commissioners, or to refer the whole matter back to the same.—4 R. R. 357; 4 Ann. 7.

20.—The proceedings may be discontinued on the payment of costs, at any time before the final confirmation by the court of the report of the assessors. No rights are acquired, or titles divested, until the assessment have been approved by the court.—4 Ann. 4; 5 Ann. 112; 11 R. R. 97; 12 R. R. 456.

21.—Where the city takes possession of a private lot for public use, interest on the price will be due from the time of taking possession.—2 Ann. 651.

22.—When a person pulls down the barricades, erected on the streets of the city by a paving contractor, and thereby causes the pavement to be injured before it is ready for public use, he is responsible to the contractor for the damage he has caused.—6 Ann. 569.

23.—The municipalities had the power to order side walks and gutters, and the proprietors of property in front of which such improvements were made, are liable for two-thirds of the costs of the improvements.—7. Ann. 25.

24.—The city ordinance imposing upon the proprietors one-third of the expense of paving the street in front of his property, is constitutional.—10 Ann. 59; 1 La. 1.

25.—The municipality had authority to impose a portion of the cost, for the removal of a dilapidated and insufficient pavement, and making a new and sufficient one in its stead, on the proprietor of property fronting the street so improved.—10 Ann. 57. (See Acts of 1856, sect. 120, page 291 of this book.)

26.—In making the assessment under the act of 1832, (for opening streets,) the only lots subject to assessment are those adjacent to, or fronting that part of the street so improved. The owners to whose land a new front is given or added, are alone subject to contribution to pay for it.—7 Ann. 76.

27.—Under the act of 1832, (for opening streets,) there must be published in the newspaper a notice of the day on which the commissioners will present to the court their estimate and assessment for confirmation. A certificate of the clerk of the court is not evidence of such publication. It must be proved under oath, as other facts are proved.—8. Ann. 377.

28.—The assessment directed by the third section of act of 1832, (for opening streets,) applies exclusively to the property to be appropriated. The commissioners are not authorized to include in such assessment their own fees and other expenses.—10 Ann. 313.

29.—The banks of the river are public property, subject to be used by the public at large.—10 Ann. 171. And this "bank" is not necessarily confined to the definition of banks as given in Art. 448, of the Civil Code.—10 Ann. 523.

30.—The act of 1832, for the opening of streets is not unconstitutional in cases where provision is made for payment for the property, before the expropriation is effected.—7 Ann. 76; but see 9 Ann. 446, below.

31.—There does not exist either in the legislature or in any of the subdivisions of sovereignty, a power of apportioning taxation for public purposes, whether of a general or local character, except on the principle of equality and uniformity. The act of 1832, which directs that the owners of all the lots adjacent to and fronting the part of the street to be opened shall be assessed for their respective portions of the benefit derived from the improvement, and the act of 1847, which provides that the owners of all property which may be benefitted by opening streets, shall be bound for the amount of their proportions of the benefit, are unconstitutional, such assessment being unequal and not uniform.—9 Ann. 446; 10 Ann. 59.

For other decisions, see "New Orleans," page 165; "Revenue," page 252; and "Wharves."

SURVEYOR.

No. 840. (1.) The surveyor's department of the city of New Orleans shall consist of the surveyor, of two deputies, of one clerk, and of two chain carriers. His deputies.

His office, bond,
etc.

No. 841. (2.) That the surveyor shall keep his office in the city hall, in which all the plans, minutes and documents of the department, all the estimates, boundary, plots, surveys, lineations and reports shall be deposited and carefully kept. They shall be considered the property of the city, and shall be at all times accessible to the mayor and members of the common council. The said surveyor shall take the oath required by section 17 of the city charter, and shall give bond, with one or more securities to the satisfaction of the common council, in the sum of \$15,000, conditioned for the faithful performance of the duties of his office, and to secure the city against all claims, loss or injury that may arise from his neglect, inability, or the unfaithful discharge of his duties.

His duties.

No. 842. (3.) That it shall be the duty of the surveyor to furnish the common council with all the plans, estimates and other information appertaining to his department, which the said council may require; to make all specifications relative to public works to be let out by contract, when required so to do by the common council; to give the lineations of all the streets of the city as well as the lineations and grades of the sidewalks, wharves, levees, bridges, and streets, in accordance with the ordinances of the common council; to superintend the repairing of the public buildings belonging to the city; to superintend the draining as well as the cleaning of the draining canals and ditches; to lodge information with the mayor, (a copy of which shall be transmitted to the common council,) against any person, company, corporation or institution who may build, construct, or increase any building, wall or enclosure in front of any street or other public way without having first applied to him, or his deputy, to receive the lineation, or who shall make, or cause to be made, any banquette or footway, the grades of which he shall not have defined; to cause to be transcribed daily, from the registry of conveyances, all changes of ownership which may take place of real property, other than slaves, into the books of plans which shall be deposited in his office as soon as the same shall be completed; to see to the execution of the ordinances relative to houses, buildings, walls, or any other object, which, from their ruinous condition, or any other cause, might, by falling down, interfere with the safety of the public way, or occasion accidents; to superintend the construction of all public and private buildings, and whenever a building in construction, or already constructed or repaired, shall be defective on the score of solidity,

or on account of some defect in the plan thereof, or of the walls being too light, or upon any other account, said surveyor shall be bound to report thereon immediately, in writing, to the mayor and to the common council; said surveyor shall perform all such other duties as the common council may direct.

No. 843. (4.) The duties of the deputy surveyor are hereby limited to the giving of the lines of lots and other properties situated in front of the streets and public ways, whenever they shall be required; and to report to the mayor and surveyor all persons, corporations, companies or institutions who shall not conform to the same; and he shall act as surveyor in case of absence, sickness, or inability of the surveyor. Duties of deputy

No. 844. (5.) That the salary of the surveyor be, and is hereby fixed at three thousand dollars per annum. Salary of surveyor.

No. 845. (6.) That the compensation to the deputy surveyor shall consist of the sum of two cents per running foot, which he is authorized to receive of all persons who shall employ him to give the lineations of their lots. He shall take the oaths required by section 17 of the city charter, and shall furnish their bond with good and sufficient security, to the satisfaction of the common council, in the sum of five thousand dollars, each to guarantee the faithful performance of his duties. Salary of deputy.

No. 846. (7.) That the salary of the clerk of the surveyor be, and is hereby fixed at twelve hundred dollars per annum. Salary of clerk.

No. 847. (8.) That the salaries of the chain carriers be, and they are hereby fixed, at three hundred dollars per annum. Salary of chain carriers.

No. 848. (9.) That the clerk and chain carriers shall be under the immediate control of the surveyor, and shall perform such duties as may be prescribed to them by him. Clerk and chain carriers.

No. 849. (10.) That the surveyor's office shall be kept open every day for the public, (Sundays and holidays excepted,) from 9 o'clock, A. M., till 3 P. M., and from 4 o'clock, P. M., to 6 o'clock, P. M. Office hours.

No. 850. (11.) That all ordinances or parts of ordinances, contrary to the provisions of the present ordinance, be and are hereby repealed. Repealing clause.

City Ordinance, No. 2957. Approved August 4, 1856.

No. 851. That the surveyor be, and he is hereby, required to report to the common council at its regular meetings, the work or works in progress under the control of his department, other than contracts. The number of men, also of superintendents or

overseers, the wages paid to each per month or day, as they are employed.

City Ordinance, No. 133.

His reports.

No. 852. That the city surveyor be, and is hereby required, as often as twice in each month, to report to the common council the number and description of mechanics, laborers, horses and carts, superintendents and overseers employed, and under the direction of his department, in each District of this city. The compensation paid per day or month, the work or works on which employed, and also furnish information to this Council which will enable it to understand fully the duties and requirements of all men thus employed, and judge of the propriety and necessity of their employment.

City Ordinance, No. 136.

His reports.

No. 853. It shall be the duty of the surveyor to report to the council the non-fulfillment of all contracts in which the city may be interested.

City Ordinance, No. 455.

His book of record, etc.

No. 854. That the surveyor and street commissioner be, and they are hereby required to keep a book of record in their departments, in which shall be daily recorded by their superintendents or overseers, the number of laborers, carts, etc., employed in their departments, designating separately, the several kinds of work on which they may be engaged.

City Ordinance, No. 1387.

To purchase materials.

No. 855. (1.) That the surveyor and street commissioner be, and they are hereby authorized to purchase such materials as may be required by them, in order to carry on the public improvements in their respective departments not under contract.

Monthly statements.

No. 856. (2.) That said officers shall make a monthly statement to the council of all the materials purchased by them, designating the purposes for which said materials were bought.

City Ordinance, No. 1531.

Surveyor's laborers.

No. 857. From and after the passage of this resolution, the pay of all laborers employed on the public works in charge of the surveyor or street commissioner, shall be at the rate of thirty-five dollars per month for each laborer.

City Ordinance, No. 724.

Nos. 858, 859, 860, and 861, repealed.

For his duty relative to preventing accidents at places of amusement, see Nos. 61 and 90.

Duty as to buildings, numbering of houses, etc., see page 27.

Duty as to cemeteries, see No. 132.

Duty as to quicklime, see No. 620.

Duty as to certain bridges, see No. 927.

ACTS OF THE LEGISLATURE.

For his election, see acts 1856, p. 141, sec. 24, (placed under "Officers," p. 189.)

SEC. 33. That the surveyor shall furnish the common council with all plans, estimates, and other information appertaining to his department, which the said council may require. He shall superintend the public works, and report, after the completion of the same, the manner in which said works have been executed; and shall perform such other duties as the common council may direct. He shall receive a salary of \$3,000 per year.—Acts of 1856, p. 146.

Duties of surveyor.

Salary of surveyor.

SEC. 113. That the common council of the city of New Orleans shall employ one or more persons to make: 1st. A general plan of said city, giving the direction of all the streets within the same, together with their angles; also, the precise dimensions of each and every square calculated in degrees, minutes and seconds. 2nd. A book of plans, which shall minutely describe every tract, square and lot of ground within the incorporated limits of said city; together with a proper general index to the same.

Common council to cause a general plan of the city to be made, together with a book of plans.

SEC. 114. That after said book of plans shall have been completed, it shall be the duty of the surveyor of said city to cause to be transcribed daily, from the registry of conveyances in said city, into said book, all changes of ownership which may take place, of real property other than slaves, situate in said city; together with all divisions and subdivisions of said real property, either by private or judicial sale, or otherwise.

Surveyor to cause daily transcript of change of ownership, of real estate, to be made.

SEC. 115. That each and every person owning a tract, square or lot of ground, situate in the city of New Orleans, and who shall divide or subdivide the same, for the purpose of making sale of the whole, or of any part thereof, shall, before making said sale, deposite in the office of the surveyor of said city, a true plan of said division or subdivision; and each and every person who shall fail or neglect so to do, shall, for each said failure or neglect, forfeit and pay the sum of \$100 to said city, to be recovered before any court of competent jurisdiction.

Plans of subdivisions to be deposited with surveyor.

Penalty for failing to comply with this section.

SEC. 116. That after said general plan, and said book of plans of the city of New Orleans, shall have been completed by the persons employed to make the same, said general plan and books of plans shall be at all times subject to the inspection and use of the assessors and supervisors of assessments of said city.—Acts of 1856, p. 161.

General plan and book of plans, to be subject to the inspection of assessors and supervisors.

See acts 1856, p. 166, sec. 125, (under "officers," p. 189.)

See acts 1855, p. 284.

For surveyor general and parish surveyors, see acts 1855, p. 456.

DECISION OF SUPREME COURT.

In ascertaining the true boundaries, if not admitted, the surveyor must have recourse to the titles.—2 Ann. 628.

TANNERIES.—See page 89.

TAXES.—See “REVENUE,” page 239.

THEATRE.—See “BALLS,” etc., page 15.

TOBACCO—INSPECTION OF.

ACTS OF THE LEGISLATURE.

An Act Relative to the Inspection of Tobacco.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That there shall be appointed by the Governor of the State, by and with the advice and consent of the Senate, ten inspectors of tobacco for the city of New Orleans, to be denominated the “New Orleans Board of Tobacco Inspectors.”

Term of office. **Oath.** **Bond and security.** **SEC. 2.** That they shall be appointed for the term of four years, shall take an oath faithfully to discharge the duties of the office, as prescribed by law, and shall give bond to the State for the sum of ten thousand dollars, (with two sureties for five thousand dollars, each good for the amount, to be approved by the treasurer of the State,) for the faithful performance of their duties while in office, and each person offering himself as security shall take an oath before some competent magistrate that he is worth what he is surety for, and said surety shall be liable on said bond, not only to the State, but to all persons who shall have suffered damage by the wrongful act, neglect or inattention of the inspectors.

Board of inspectors. **SEC. 3.** That it shall be their duty to organise themselves as a board, appointing one of their own number as president of the board and another, secretary. Seven members shall constitute a quorum. The board of inspectors shall have a common seal. In the absence of the president or secretary, the board shall name a president or secretary pro tempore. The president and secretary shall be chosen yearly, and allowed each two hundred dollars per annum for their services.

Duty of the president and secretary. **SEC. 4.** That it shall be the duty of the president to call meetings of the board, and preside over their deliberations. It shall be the duty of the secretary to record their proceedings, and in such manner as to show the vote of each member upon questions submitted to the board.

All contracts submitted to the board. **SEC. 5.** That all contracts of the board shall be submitted to them, and shall be approved of by a majority of the whole number of inspectors.

Rules and by-laws. **SEC. 6.** That they shall have authority to make rules and by-laws for the regulation of the members in the discharge of their duties, which

by-laws shall not be inconsistent with the laws and constitution of this State and of the United States.

SEC. 7. That it shall be the duty of the board to provide suitable warehouses in the city for the storage of tobacco at the lowest rates at which they can be obtained, two of which shall be located in the fourth district; which warehouses shall be fire-proof, and floored with plank two inches thick, and provided with a sufficient number of presses, and shall be located at such point as will be most convenient for the reception of tobacco, and for the convenience and interest of those engaged in the tobacco trade.

Warehouses to be provided for by the board.

SEC. 8. That when the tobacco is brought to the warehouse, it shall be received by the inspector or inspectors allotted to said warehouse or their clerk, who shall immediately mark with ink the warehouse numbers, commencing with one and running to the end of the year, on each end of the cask; when called on by the owner or agent to inspect a lot of tobacco, they shall cause the hogshead or cask to be placed at a convenient distance from the press and under the eye of the inspector, or their clerk to cause one head of the cask to be taken out; the cask must then be headed upon the open end, and the whole cask be taken from the tobacco and weighed. The weight of the cask being the tare, shall be marked on it with a marking iron. The inspector shall then have the tobacco broken in four different places, from each of which he shall draw four hands or bundles of tobacco, which shall be tied up neatly and compactly, the bundle from the top breaks forming the first layer of the sample. The inspector shall be careful that the sample shall be a fair representation of the quality of the whole hogshead of tobacco, as near as he can make it. The tape or twine used in tying up the sample shall pass through the hands of tobacco, and a seal of wax shall be put on each sample. One end of the sample card which expresses the quality of the tobacco, the warehouse number, inspection number, and initials of the inspectors' names who have inspected it shall be put under the seal of wax. When a hogshead or cask of tobacco is damaged, if practicable, the damaged portion shall be cut off and held at the disposal of the owner or agent. The quantity so trimmed shall also be expressed on the sample card with ink. If the damage be to such an extent that it cannot be trimmed off, the inspectors shall refuse to classify the hogshead. They shall give a sample of it, expressing the probable extent of the damage, but without inspection seal. If upon the inspection of a hogshead of tobacco, it be apparent that it is falsely or fraudulently packed, said hogshead shall be marked "condemned," and the inspectors shall refuse to give a sample of it. It shall then be at the disposal of the owner or agents subject to the same charges as if it had been inspected. If the cask or hogshead shall prove to be of green or unsound timber, the inspectors shall provide a suitable cask at the expense of the owner or agent.

Tobacco by whom received.

SEC. 9. That there shall be two classes of tobacco, to wit: admitted and refused. The inspectors shall class as admitted all tobacco they may find to be sound, well cured and in good keeping condition; and

Classification of the tobacco.

they shall class as refused all such tobacco as they may find to be soft, high in case, or otherwise unsound.

Reinspection
how made.

SEC. 10. That when the inspectors are called upon to reinspect a lot of tobacco, they shall make a copy of the original sample card, and shall write on it with ink in plain letters "reinspected," and shall give the date of the same.

Duty to be per-
formed after the
inspection.

SEC. 11. That when the inspection of one or more hogsheads of tobacco is finished, the laborers of the warehouse, under the eye of an inspector or their clerk, shall have the cask returned to the tobacco, and the loose tobacco shall also be returned, and should it be impossible to put it all in, it shall be held subject to the order of the owner. After it is placed under the press, it shall be coopered up, in good condition for shipping, each cask having six hoops. The cask shall then be weighed by an inspector or their clerk, and the gross weight marked in ink over the tare weight. The gross weight, the tare, and the warehouse number shall also be marked with marking irons, by cutting with the same on the bilge of the hogshead or cask, and the cask then stored away.

Book of inspec-
tion.

SEC. 12. That the particulars of each day's inspection shall be recorded in a book to be kept in each warehouse for that purpose, in which shall be noted all the marks and numbers on the cask when received, the gross weight, tare, warehouse number, inspection number, by whom inspected, and for whose account.

Certificate of in-
spection.

SEC. 13. That the samples and a certificate corresponding with the record of inspection, shall then be issued to the owner or agent, and shall be a receipt for the tobacco. The certificate shall be transferable by endorsement or otherwise, which shall be evidence of its delivery. When the legal holder of the certificate shall call for the delivery of the tobacco, it shall be the duty of the inspectors to have the hogshead promptly delivered at some opening of the warehouse which is accessible by a paved street.

Temporary re-
ceipts to be given
by the inspectors
or their clerks.

SEC. 14. That on receiving tobacco in the warehouse, the clerk of the inspectors shall give temporary receipts to the owner or agents, acknowledging the receipt thereof, which they may require to be surrendered upon the issuance of their certificate of inspection. The inspectors shall be liable for all tobacco stored with them, and shall be responsible to all persons interested in the same, for the correctness of their sample and weights. The inspectors shall have recourse upon the particular inspector or inspectors whose neglect or wrongful act has caused the damage.

Inspectors pro-
hibited from
dealing or trad-
ing in tobacco.

SEC. 15. That the inspectors themselves, and the persons employed by them, are prohibited from dealing or trading in tobacco, either in their own names or in the names of others, in any manner whatever, or from being connected with or having any interest in the business of other persons dealing in tobacco. or from putting up loose tobacco in bales, or hogsheads, or from being interested in any manner in the warehouse rented by them for the storage of tobacco; or from owning or being interested in any of the laborers or coopers employed in the warehouse, or from having any interest in the drayage of tobacco to and from the

warehouses; and upon conviction of the violation of any of the above prohibitions, the inspector, or other person so offending, shall be deprived of his office, and shall be subjected to a fine of not less than five hundred nor more than two thousand dollars; and any inspector, upon conviction of making wilfully a false or fraudulent inspection, or accepting a bribe in relation to the discharge of the duties of his office, shall be deprived of his office, and shall suffer imprisonment in the penitentiary not less than three months nor more than two years.

SEC. 16. That all tobacco shall be inspected by two inspectors in the presence of each other; and in case of disagreement between them, a third inspector shall be called in, who shall decide upon its quality.

Number of inspectors required to inspect tobacco.

SEC. 17. That the inspector shall not inspect tobacco at any other warehouse than those provided as contemplated by the preceding section.

Inspectors not to inspect out of their warehouses

SEC. 18. That the fees for receiving, weighing, inspecting, storing for two months, coopering, and all other duties imposed by law upon the inspectors, shall not exceed two dollars and fifty cents per hogshead, one-half of which shall be paid by the purchaser to the seller. For re-inspecting, re-weighing and coopering, the charge shall be seventy-five cents for each hogshead. On tobacco remaining in store more than two months from date of receipt, they shall charge extra storage at the rate of twenty-five cents per month. On tobacco stored on which there is no inspection, fifty cents per month. The owner or agent storing the tobacco shall be bound for the fees, and there shall be a privilege upon the tobacco for them.

Fees for receiving weighing, inspecting, etc.

Extra storage.

SEC. 19. That the board of inspectors shall be allowed to employ two clerks for each warehouse to hold their places at the pleasure of the board; the first to receive out of the funds hereinafter provided, a salary not to exceed one thousand dollars per annum, the other not to exceed six hundred dollars. The board shall also be allowed to employ a sufficient number of laborers and coopers for each warehouse.

Clerks to be employed by the board.

SEC. 20. That should any vacancy occur in the board of inspectors, by death, resignation, deprivation of office, or from any other cause, it shall be the duty of the Governor to appoint a competent successor, subject to the ratification of the senate, as other civil appointments made by the Governor; and the inspector so appointed shall in all respects conform to the requirements of law. All appointments under this section shall be for the unexpired term of four years.

Vacancies how filled.

SEC. 21. That the Governor, by and with the advice and consent of the senate, shall appoint a competent person, a citizen of the State of Louisiana, to act as treasurer to the said board of inspectors. The salary of the treasurer shall be two thousand five hundred dollars per annum. The treasurer shall take an oath faithfully to discharge the duties of his office, and shall give bond, with two good securities, in the sum of ten thousand dollars each, for the faithful performance of the duties of his office, said bond to be approved by the secretary of State, and each security to make oath that he is worth, over and above all his debts, the amount for which he is security. In case of a vacancy in said office the Governor shall supply the place as soon as practicable, in the same manner pointed out for the appointment of inspectors in case of vacancy.

Treasurer of the board, by whom appointed.

Oath and bond of the treasurer.

Duties of the treasurer.

SEC. 22. That it shall be the duty of the treasurer to keep the books and accounts of all moneys received and disbursed, and collect all fees and provide for the safe keeping of them; to pay all expenses incurred, all bills of which to be approved by the board of inspectors. He shall, at the end of each month, pay to each inspector (all other demands upon the treasury being satisfied,) equal portions of any moneys in his hands; provided that these payments do not exceed, to each inspector, a salary of four thousand dollars per annum at the close of each year, commencing on the first day of November. Should there be any balance in his hands after paying the various clerks, laborers, rents of warehouses, and all the expenses of the inspection, it shall be appropriated as follows. the surplus funds remaining in the hands of the treasurer of the tobacco inspector shall at the end of each year, be deposited by him in the hands of the treasurer of the State, to be held by him as a reserved fund for the benefit of the tobacco trade of this city, at the discretion of the legislature of this State; and said fund may be from time to time vested in the purchase of ground and the erection of buildings thereon for the storage of tobacco, the object being thereby to reduce the charges on tobacco brought to this market for sale, the State not to derive revenue from the receipts of such property, the legislature having the power, at their discretion, to dispose of property so purchased, and buildings, and reinvesting, for the same purposes, the amount received, whenever it shall be desirable by the increase of the city and the advanced value of such property. He shall furnish to the State treasurer monthly abstracts of all moneys received and disbursed by him, which shall be approved by the board of inspectors. The treasurer shall be prohibited from being interested in any manner in the warehouses, as before provided. For any wilful violation of the duties of his office, he may be proceeded against by information or indictment, and on conviction shall be deprived of his office and fined not less than five hundred nor more than two thousand dollars. For any corrupt or fraudulent conduct in the discharge of the said office, or for any defalcation in the payment of the funds intrusted to the said treasurer, upon conviction, he shall be imprisoned in the penitentiary not less than three months nor more than five years. But nothing herein shall be so construed as to exempt the treasurer from liability in civil suits for damages or loss any party may have sustained by his neglect or wrongful act.

Books kept by the board and treasurer open for inspection.

SEC. 23. That the books required to be kept by the treasurer, the board of inspectors, and the clerks of the warehouses shall at all times be accessible for examination by the executive officer of this State, and all persons interested, and all the entries shall be evidence against the inspectors and the officers keeping them, in civil and criminal cases.

No charge upon the State treasurer for any of the fees and salaries herein mentioned.

SEC. 24. That nothing herein shall be so construed as to authorize any charge upon the treasury of the State for any of the salaries or expenses, the fees of inspection being the fund out of which they are to be paid.

Deputy inspectors.

SEC. 25. That in case either of the inspectors shall be unable to attend to his duties on account of sickness, he may nominate a deputy to the board, who, if accepted by the majority of said board, shall do

and perform, for a term not longer than forty-five days, the duties of said principal inspector, he being responsible for all the acts of said deputy.

SEC. 26. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, be repealed. Acts of 1855, p. 458. Certain laws repealed.

TREASURER.

An Ordinance regulating the Treasurer's Department.

No. 862. (1.) The treasurer shall receive and safely keep in such bank as the common council shall elect, all moneys, bills receivable, dues and assets belonging to the city, except all moneys received by him from the consolidated loan tax, and taxes for the payment of interest on bonds issued to railroad companies in which the city is a stockholder. Moneys, bills receivable, etc.

No. 863. (2.) He shall deposit daily, in said bank, all moneys, bills receivable, dues and assets belonging to the city, received by him, except as before excepted. To deposit daily.

No. 864. (3.) He shall pay on the warrant of the comptroller, and by checks drawn to order, countersigned by the said comptroller, or in the case of said comptroller's sickness or absence, countersigned by his deputy, all claims against the city, which the common council may authorize; and in no case shall he pay any claims whatever against the city, except in the manner herein set forth. When to pay checks, etc

No. 865. (4.) He shall keep a check book, in which the daily deposits of money-made by him shall fully appear; and he shall each day, deduct therefrom the amount of the checks drawn by him, so that the balance in bank in favor of the city, shall at all times appear upon the margin of said check book. Check book.

No. 866. (5.) He shall take a receipt from each person in whose favor he draws a check upon the money of the city, deposited as above set forth; which receipt shall fully and clearly state the consideration for which the check receipted for was given. Receipts.

No. 867. (6.) He shall balance his check-book, bank-book, cash-book, and accounts with the comptroller weekly. Books to be balanced, etc.

No. 868. (7.) He shall cancel each week, and in the presence of the chairman of the finance committees of the common

council, all warrants and evidences of claims against the city which shall have been paid by him.

His books, etc.

No. 869. (8.) He shall keep the books prescribed, and in the form prescribed by the comptroller and the chairman of the finance committees of the common council; and all books kept by him, including his check-book, bank-book, cash-book, and all returned checks and warrants, and evidences of claims against the city paid by him, and all receipts taken by him, shall be at all times subject to the inspection of the mayor, the comptroller, and the chairmen and members of the finance committees of the common council.

His reports.

No. 870. (9.) He shall furnish the comptroller with a daily report, in writing, of the receipts and expenditures, and all the fiscal transactions of his office; and shall lay before each board of the common council, at their regular weekly meetings, a detailed report of the same.

Money for consolidated loan tax, etc.

No. 871. (10.) He shall deposit daily in the bank chosen by the common council as the fiscal agent of the city, all moneys received by him on account of the consolidated loan tax, taxes for the payment of interest on bonds issued to railroad companies, and dividends received from railroad companies in which the city is a stockholder. The sums thus deposited by him shall be entered in separate bank-books, each designating the specific fund for which such deposit is made. And he shall state said collections and deposits in his daily reports to the comptroller, and in his weekly reports to the common council.

His signature.

No. 872. (11.) In all cases where his signature is required to any account, warrant, order, check, receipt, license, bond, tax receipt, or any other document or paper, he shall sign the same in his own proper handwriting; and in no case shall he use a stamp, or types, or any engraved instrument for that purpose.

Notice to tax payers.

No. 873. (12.) He shall every year, by notice given in the official journal of the city for fifteen days prior to the first day of March in each year, notify the tax payers to appear at his office and pay the amount of their taxes.

Unpaid bills for taxes.

No. 874. (13.) He shall on the second Monday in May in each year, put in suit in any court or courts of competent jurisdiction, all unpaid bills for taxes levied upon property assessed in the several districts in this city.

Bills to assistant city attorney.

No. 875. (14.) He shall hand over to the assistant city attorney, all bills for fines, penalties, dues or licenses designated and intended by sections 103, 104, 105 and 108, of the city

charter, (approved 20th March, 1856,) whenever the same shall accrue or be exigible by the provisions of said charter. And he shall take said attorney's receipt therefor.

No. 876. (15.) He shall deposit in bank, and account for all moneys paid into the city treasury, as the proceeds of any sale or sales of property made by virtue of section 111 of the city charter, over and above the taxes due thereon, with costs, in the same manner as he is required to deposit and account for the ordinary revenues of the city. Certain deposits.

No. 877. (16.) He shall perform all such other duties as may be imposed upon him by the common council. Other duties.

No. 878. (17.) He shall, before entering upon the duties of his office, take the oath required by the city charter, and shall furnish bond for the faithful performance of the duties of his office, in the sum of fifty thousand dollars, with one or more solvent sureties to the satisfaction of the common council. Oath and bond.

No. 879. (18.) He shall receive a salary of five thousand dollars per annum for his services. His salary.

No. 880. (19.) He shall appoint by and with the advice and consent of the board of aldermen, the following clerks, for whose acts he shall be responsible to the city, viz : Clerks, etc.

One assistant treasurer, who shall give a bond to said treasurer, for his faithful performance of his duties, in the sum of ten thousand dollars with good and solvent surety or sureties to the satisfaction of said treasurer. Said assistant treasurer shall receive an annual salary of two thousand four hundred dollars.

2. One bookkeeper, who shall receive a salary of fifteen hundred dollars per annum.

3. Two clerks for the issue of licenses, etc., who shall each receive an annual salary of twelve hundred dollars.

4. One assistant clerk who shall receive an annual salary of nine hundred dollars.

5. One clerk, as runner, etc., who shall receive an annual salary of four hundred and eighty dollars.

No. 881. (20.) During the period for the collection of tax bills of each year, he may appoint, with the approval of the finance committee, such additional clerks, and for such a length of time, as may be required for said purpose, at a salary each not exceeding seventy-five dollars per month, and to be paid as is provided for in the case of the other clerks of the treasurer; and said treasurer shall be held responsible for the acts of said additional clerks. Additional clerks

Repealing clause. No. 882. (21.) That all ordinances or parts of ordinances, contrary to the provisions of this ordinance be, and the same are hereby repealed.

City Ordinance, No. 3106. Approved Nov. 24th, 1856.

To receive only money, etc.

No. 883. It shall not be lawful for any treasurer of the city of New Orleans to receive in payment of any tax due the city of New Orleans, for the payment of the interest on the consolidated debt, or the interest on the bonds issued to any railroad company by the city, anything except money. That a printed copy of this resolution be hung in a conspicuous place in the office of the city treasurer.

City Ordinance, No. 2645.

To make daily deposits, etc.

No. 884. That it shall be the duty of the city treasurer to deposit daily, in the bank chosen by the common council as the fiscal agent of the city, all moneys received by him on account of the consolidated loan tax, taxes for the payment of interest on bonds issued to railroad companies, and dividends received from railroad companies, in which the city is a stockholder. He shall also deposite in the same bank, as soon as said fiscal agent shall have been appointed, all monies which he may have collected from sources herein enumerated, before the appointment of said fiscal agent: and the sums thus deposited by him shall be entered in separate bank books, each designating the special fund for which such deposite is made; and he shall state said collections and deposits in his daily reports to the comptroller, and in his weekly reports to the common council.

City Ordinance, No. 2141, Art. 2.

See "Fiscal Agent," page 107.

His weekly reports.

No. 885. That from and after the passage of this resolution it shall be the duty of the city treasurer, in making up his weekly statements to the common council of the receipts and expenditures of the city, to state in said reports where the balance of cash on hand as shown therein, is deposited. Be it further

Resolved, that said report shall also exhibit a statement of the amount of bills receiveable on hand belonging to the city and where the same are deposited.

City Ordinance, No. 2633.

Checks, how to be drawn.

No. 886. (1.) From and after the passage of this resolution it shall be the duty of the treasurer of the city of New Orleans, in drawing checks as treasurer of said city, to draw the same payable to the order of the comptroller of the city, which check shall

also be countersigned by the comptroller and registered by him in a book especially set apart for that purpose.

No. 887. (2.) The comptroller of the city of New Orleans, *Check report.* shall render weekly to the common council a detailed statement, showing for what purposes said checks were drawn.

City Ordinance, No. 2634.

No. 888. That the comptroller and treasurer be, and they are *Acting treasurer.* hereby authorised to appoint their chief clerks as deputies to represent them in cases of sickness or absence, provided that said deputies furnish bond and security in the sum of five thousand dollars for the faithful performance of their duties.

City Ordinance, No. 190.

For Comptroller's duties relative to the Treasury, see page 56.

His duties relative to Fiscal Agent, see No. 332.

Relative to Taxes, see No. 743.

ACTS OF THE LEGISLATURE.

Sec. 31. That the treasurer shall receive and safely keep, in such *Duties and powers of treasurer.* bank as the common council shall, in joint session, and within one week after its organization, elect, viva voce, all moneys, bills receivable, dues and assets belonging to the corporation; except all moneys received by him from the consolidated loan tax, taxes for the payment of interest on bonds issued to railroad companies in which the city is a stockholder. He shall deposit daily, in said bank, all moneys, bills receivable, dues and assets, belonging to the corporation received by him, except as before excepted. He shall pay on the warrant of the comptroller, and by checks drawn to order, countersigned by said comptroller, or, in case of said comptroller's absence or sickness, countersigned by said comptroller's deputy; all claims against the city which the common council may authorise; and in no case shall the treasurer pay any claim whatever against the city, except in the manner set forth. He shall keep a check book in which the daily deposits of money made by him shall fully appear; and he shall, each day, deduct therefrom the amount of the checks drawn by him, so that the balance in bank in favor of the city, shall at all times appear upon the margin of said check book. The treasurer shall take a receipt from each person in whose favor he draws a check upon the money of the city, deposited as above set forth; which receipt shall fully and clearly state the consideration for which the check receipted for was given. The treasurer shall balance his check book, bank book, cash book, and accounts with the comptroller, weekly; and he shall cancel, each week, and in the presence of the chairman of the finance committees of the common council, all warrants and evidences of claims against the city, which shall have been paid by him.

He shall keep the books prescribed, and in the form prescribed, by the comptroller and chairman of the finance committees of the common council; and all books kept by him, including his check book, bank

book, cash book, and all returned checks, and warrants, and evidences of claims against the city paid by him, and all receipts taken by him, shall be at all times subject to the inspection of the comptroller and chairman of the finance committees of the common council. He shall furnish the comptroller with a daily report, in writing, of the receipts and expenditures, and all the fiscal transactions of his office; and shall lay before the common council, at their regular meetings, a detailed report of the same, which shall be published. He shall deposit daily in the bank chosen by the common council, as the fiscal agent of the city, all moneys received by him on account of the consolidated loan tax, taxes for the payment of interest on bonds issued to railroad companies, and dividends received from railroad companies, in which the city is a stockholder; and the sums thus deposited by him shall be entered in separate bank books, each designating the specific fund for which such deposit is made; and he shall state said collections and deposits in his daily reports to the comptroller, and in his weekly reports to the common council. And generally, he shall perform all such other duties as may be imposed on him by said common council. He shall, before entering on the duties of his office, give bond, in such sum, and with such securities as shall be approved by the common council, for the faithful performance of his duties; and shall receive for his services an annual salary of five thousand dollars.—Acts of 1856, p. 145.

Bond and security to be furnished by treasurer. Salary of treasurer.

For his election see acts of 1856, page 141, sect. 24; placed under "Officers," page 189.

Acts 1856, page 159, sect. 106, placed under "Revenue," page 250.

For suits for Taxes and Licenses, see acts of 1856, page 159, sect. 107, placed under title of "Revenue," page 251.

See acts 1855, page 231.

TREES.

An Ordinance relative to Trees.

Trees may be planted, etc.

No. 889. (1.) Shade trees may be planted on the side-walks provided they do not impede the passage, and are planted on a line with the street on which they are placed, and two feet from the outer street edge of the curbing, to be protected while small and liable to injury, by boxes one foot square, painted or white-washed. But this privilege may be withdrawn by the common council whenever such trees may injure or encumber the sidewalk, or street, or impede the public passage.

Persons damaging them.

No. 890. (2.) All persons cutting, breaking, or damaging in any manner whatever, any tree or trees, planted in any square, walk, street, or other public place, or any trees planted by any

private person on any banquette or side-walk, shall be fined not less than ten nor more than fifty dollars.

No. 891. (3.) All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed. Repealing clause.

City Ordinance, No. 3170. Approved, Dec. 23d, 1856.

VEHICLES.

In conformity to the twentieth section of an act of the legislature of this State, entitled "An act to amend an act entitled 'An act to incorporate the city of New Orleans,' approved February the 17th, 1805, and other acts amending the same, approved March 8, 1836," by which section, among others, the following power is vested in the common council, viz :

To enact all police regulations of a general nature, the operations of which shall be uniform in all parts of the city ; and by virtue of other powers, by law vested in them, the common council of the city of New Orleans ordain as follows, viz :

No. 892. (1.) That no person shall run, or cause to be run, within the limits of the city, any coach, gig, buggy, hack, hackney coach, cab, cart, dray, tumbril, timber carriage, and other carriage or vehicle, let for hire, for the transportation of persons, produce, effects, merchandise, and other objects generally, whatever, without first obtaining a license therefor from the mayor of the city, for each of the above carriages and vehicles, under the penalty of not less than ten, nor more than one hundred dollars for each and every contravention of the provisions hereof. Not to run without license.

No. 893. (2.) The mayor shall cause to be inserted in a book, which he shall keep for that purpose in his office, the names and christian names of each proprietor of carriages and vehicles above designated ; the place of his or her residence ; the number of each license which shall be delivered, and the designation of each species of carriage or vehicle for which such license shall be delivered. The mayor's list.

No. 894. (3.) The term of each of said licenses shall expire on the 31st day of December of each and every year, and must afterwards be renewed on or before the 1st of February of each year ; and any and all persons failing so to renew their license as aforesaid, are hereby prohibited from running or causing any such carriage or vehicle to be run as aforesaid, until they shall License when to expire.

have renewed their said license, as is by the present ordinance required, under the penalty of a fine of ten dollars for each and every time he, she or they shall run, or cause to be run, any vehicle or carriage as aforesaid.

Tax first to be paid.

No. 895. (4.) No license shall be granted by the mayor, unless the party applying for the same shall first produce a receipt or certificate from the treasurer, stating what tax or dues have been paid.

Paid yearly in advance.

No. 896. (5.) All taxes now imposed, or which may be hereafter imposed on any dray, coach, hack, cab, gig, buggy, wagon, cart, and other carriage or vehicle, shall be paid yearly in advance to the proper officers.

Responsibility for others.

No. 897. (6.) Every person who shall take out a license as herein before directed, shall be responsible for all persons who shall run with his number or license, unless a declaration shall have been made by him before the mayor, stating the name of the party substituted to his license, his residence; and such person so substituted shall be bound in the same manner as if he had taken out such license in the first instance; and every person contravening shall pay a fine of from ten to twenty-five dollars for each and every contravention.

Numbers to be painted, etc.

No. 898. (7.) Each and every person taking out a license for the running of any dray, cart, tumbril, wagon, timber cart, furniture car, bread or brick cart, or other carriage or vehicle, let for hire, for transportation of produce, effects, merchandise and other objects generally, shall, before running the same, cause the number of said license to be painted in white figures on tin or iron plates, painted black in oil, each figure to be at least two inches high, in Arabic characters, and placed on each shaft of such cart or dray, as aforesaid; and must also cause such numbers to be branded by the proper officer on each shaft of such dray; and all carriages, cabs, etc., as aforesaid, shall have the number of their license painted on the lamps, in figures at least two inches high; and every person contravening to this article, shall pay a fine of ten dollars for each contravention, besides a fine of fifteen dollars for each week that he or they shall continue to keep for hire or let any of said carts, drays, etc., aforesaid, without their being so numbered and branded as aforesaid.

Penalty for neglect, etc.

No. 899. (8.) Any person who shall run, or cause to be run, within the limits of this city, any dray, cart, cab, hack or other carriage or vehicle whatever, with false numbers, or who shall have affixed the same number to two or more vehicles, shall pay

a fine of not less than ten dollars, and not more than one hundred dollars, for each offense.

No. 900. (9.) That the present and future contractors for branding drays, carts or other vehicles, as is required by this ordinance, shall receive compensation according to the terms of their several contracts, for each vehicle so branded, which sum shall be paid by the owner of such vehicle. Branding vehicles.

No. 901. (10.) No dray, cart, or other vehicle whatever shall be branded except by the contractor or contractors for said purpose; and any person branding, or causing to be branded, any dray, cart or other vehicle other than by said contractor or contractors, shall pay a fine of one hundred dollars for each contravention. Contractors on'y to brand.

No. 902. (11.) Whenever the number of any dray, cart, cab, coach, hack or other carriage or vehicle shall be erased or defaced by time or some other causes, so that it cannot be distinctly decyphered, the owner of such vehicle aforesaid shall have his number immediately reinstated; and in case of his neglect or refusal so to do, he shall pay a fine of from ten to twenty-five dollars for each and every contravention of this article, or be imprisoned from seven to fourteen days. Defaced numbers

No. 903. (12.) Any drayman, carter, or other driver of any cart, dray, wagon, tumbril, lumber cart, wood cart, brick cart, or other vehicle whatever, public or private, who shall be guilty of running his horse or horses, mule or mules, through any of the streets of the city of New Orleans, or driving at a faster gait when loaded than a walk, and when not loaded at a greater speed than a slow trot or pace, or shall turn any corner faster than a walk, shall be arrested and caused to pay a fine at the recorder's office of either of the districts of this city, of from ten to twenty-five dollars for each offense; and in default of payment of the above fine the said driver shall be imprisoned for a term of not less than seven nor more than fourteen days, if such driver shall be a free person; if a slave, he shall receive ten lashes, unless the fine imposed by this article be paid by the owner of said slave. And it shall be the duty of the chief of police to place a competent force on the principal thoroughfares of this city, to enforce the provisions of the above ordinance, and it shall be the duty of the officer making such arrest to have the vehicle and animal or animals placed in the nearest city pound for safety until called for by the owner. Fast driving.

What vehicles included.

No. 904. (13.) All owners or drivers of carts or wagons, or other vehicles used in selling, conveying brick, bread, beer, porter, ale, water, etc., within the limits of the city, shall be, and are hereby declared to be, liable to the same regulations and liabilities as the owners and drivers of drays, carts, etc., are by the present ordinances, and they are expressly forbidden to drive through any of the streets or roads of the city at a greater speed than a slow trot, or turn the corner of a street or road at a gait faster than a walk, under the penalties and fines prescribed in the preceding article.

Road regulations

No. 905. (14.) It shall be the duty of all draymen, carters, coachmen, and all other drivers or persons driving any coach, carriage, cab, hack, gig, buggy, wagon, dray, cart, tumbril, or other vehicle whatever, whenever meeting any other carriage or vehicle, or any person on horseback, to take the right side of the street or road they may be in until such carriage or vehicle or person on horseback shall have passed, or until they have passed such carriage or person, and any person failing so to do, or in any manner contravening against this article, shall pay a fine of not less than five, nor more than twenty-five dollars, if a free person, and if a slave he shall not receive less than ten nor more than twenty-five lashes, unless the fine imposed by this article be paid by the owner of said slave, without prejudice to the recovery of damages by persons who may have sustained them.

Accidents caused by vehicles.

No. 906. (15.) That if any accident or injury shall happen on account of any drayman or cartman, horse or horses, mule or mules, dray, cart, coach, cab, gig, buggy or other carriage whatever, while running, coming in contact with any person, it shall be the duty of such coachman, drayman, carter or other driver to stop and to render assistance, if necessary, and to give his name or that of his master, and place of abode, and number of his carriage or vehicle, and in default thereof, he shall pay a fine of from ten to twenty-five dollars, or be imprisoned from seven to fourteen days if free, or shall receive twenty-five lashes if a slave, unless the owner of said slave shall pay the fine imposed by this article.

Refusal to transport merchandise etc.

No. 907. (16.) Carters, draymen, etc., shall not, under any pretext whatever, when unemployed, refuse to transport merchandise and any other articles whatever, on payment of the legal dues, under penalty of a fine of five dollars for each contravention.

No. 908. (17.) It shall not be lawful for any dray, cart, or other vehicle, to transport in any of the streets or roads of the city, at one time, a greater load of one article than is fixed by the following scale, viz :

What constitutes
a load.

Five bales cotton.

One hogshead tobacco.

One hogshead or five barrels of sugar.

Three barrels molasses.

Ten sacks of coffee.

Five barrels of pork, or other salt provisions.

Eight barrels flour.

Five barrels or twenty kegs lard.

Sixteen sacks corn.

Ten barrels coal.

Sixteen kegs nails.

Two casks bacon.

Eight sacks salt.

Two casks flaxseed.

Ten barrels apples.

Ten barrels potatoes.

Eight barrels or four tierces hams.

Twenty sacks oats.

Two tierces rice.

Ten coils bale rope.

Twenty pieces bagging.

Eight barrels loaf sugar.

Five barrels mackerel.

Five bales hay.

Ten boxes or butts of tobacco.

Five barrels tar.

Five barrels rosin.

One pipe brandy.

Two casks wine or other liquor.

Four barrels whisky or other liquor.

Twenty pigs lead.

Five hundred feet lumber on carts drawn by one horse, and fourteen hundred feet on carts drawn by two or more horses.

When hauled by tumbrils or on timber wheels, the loads shall not be greater than the following, viz :

Sixteen hundred feet pine or cypress lumber.

Twelve bars railroad iron.

Five hundred pound granite, or marble, or other articles of a like nature.

With the further privilege of hauling on a dray drawn by one animal, fifteen hundred pounds, and when drawn by two animals, twenty-five hundred pounds.

Forbidden to
leave their seats.

No. 909. (18.) Every drayman, cartman, or other driver of any dray, cart, wagon, car, or other vehicle, is expressly forbidden, when driving through any of the streets or roads of said city, to leave their seats or quit hold of their reins, under penalty of a fine of ten dollars for each contravention, if such driver be free, and if a slave he shall receive ten lashes, unless his master prefers paying said fine.

Penalty.

No. 910. (19.) It shall be lawful for any person to arrest and stop any dray, cart, wagon, coach, cab, or other carriage or vehicle, found in contravention or violation of any of the provisions of this ordinance, and to conduct the same to the office of the recorder of the district wherein such carriage, dray, cart or other vehicle may be found in contravention.

Drivers using
violence, etc.

No. 911. (20.) Any proprietor, owner, or driver of a dray, cart, hack, cab, carriage, or any other vehicle whatever, who shall use violence or insulting language, or who shall oppose an unlawful resistance to any of his passengers or employers, or to any of the citizens, shall, on conviction thereof, pay a fine of twenty-five to one hundred dollars; and if such driver be a slave, he shall receive twenty-five lashes.

See No. 546.

Competent court.

No. 912. (21.) The fines imposed by the present ordinance shall be recovered before any recorder's court, justice of the peace, or any court in this city having jurisdiction, for the benefit of the city.

Printing of this
ordinance.

No. 913. (22.) The mayor shall cause such articles of the present ordinance relating to hacks, cabs, coaches and carriages, to be printed in the French and English languages, on the back of each license delivered by him to owners of hacks, cabs or carriages; and on the license delivered to the owners of drays, carts, tumbrils, wagons, etc., he shall cause to be printed such articles of this ordinance as relate to drays, carts, tumbrils, etc.

When to have
effect.

No. 914. (23.) This ordinance shall have full force and effect and shall go into operation immediately after its adoption.

Banding.

No. 915. (24.) That from and after the adoption of this ordinance, the owner of every dray, cart, furniture cart, tumbril, etc., shall have the last numeral of the year that he may take

out a license, branded in a circle on each shaft, by the contractor, under penalty of a fine of from ten to twenty-five dollars for each and every contravention, recoverable before any of the recorders, or any court of competent jurisdiction, for the benefit of the city.

No. 916. (25.) All ordinances or parts of ordinances, contrary to or inconsistent with the provisions of this ordinance be, and the same are repealed. Repealing clause.

City Ordinance, No. 1913. Approved Dec. 22, 1854.

For vehicles on the canal landings, see No. 119.

For conveyance of gunpowder, see No. 352.

No. 917. Every omnibus shall be numbered in a conspicuous place, the number to be of the same dimensions as those for a dray; and every omnibus shall have lamps; and for every contravention of this section, the owner thereof shall pay a fine of twenty-five dollars. Omnibuses to be numbered.

City Ordinance, No. 3124, sec. 67.

No. 918. All drays, carts, omnibuses, trucks, and timber-wheels and wagons, shall be branded with their number, and the last numeral of the year in a circle; provided, that owners of grocery, express, baggage and other private wagons shall not be compelled to have the same branded and numbered, but must have their name and residence painted in full on each side of said vehicle. Vehicles to be numbered.

City Ordinance, No. 3124, sec. 69.

No. 919. From and after the passage of this ordinance, no cart, dray, or other vehicle, shall remain idly on the wooden part of any of the wharves of the city, under a penalty of five dollars for each offense; and it shall be the duty of the wharfingers to order off, from said wooden parts of any of the wharves, all or any idle cart, dray or other vehicle encumbering said wharves; and should the person or persons, thus ordered, refuse to obey, the said wharfinger shall cause to be arrested the person or persons thus contravening, and fined as afore-mentioned, which fine shall be recoverable before any court of competent jurisdiction, for the use of the city. Vehicles on wharves.

City Ordinance, No. 2577.

For vehicles in cemeteries, see No. 137.

No. 920. That all ordinances and resolutions now in force, requiring that a person should have resided six months in a district before he can obtain a license from the mayor to run a public or private vehicle in the city, such as a dray, cart, truck, cab, Requisite residence.

hack, or of any other description, be, and the same are hereby repealed.

City Ordinance, No. 1859.

City carts.

No. 921. All carts employed otherwise than temporarily by the street commissioner, the city surveyor, or by the contractors for cleaning the streets, shall have plates affixed on each side of them, on which shall be painted with legible letters, the words "city carts," under a penalty of five dollars for each offense, recoverable before any court of competent jurisdiction, for the use of the city; and no cart whilst carrying such plates thereon, shall be used for private purposes, under a penalty of ten dollars, recoverable as aforesaid.

City Ordinance, No. 1823.

Driving on certain bridges, etc.

No. 922. (1.) It shall not be lawful for any person or persons to ride or drive over the bridge across the Bayou St. John, nor any of the bridges across the Canal Carondelet or any other canal, at a faster gait than a walk, under the penalty of a fine of not less than five, nor more than twenty-five dollars for each offense, recoverable before any competent court.

Ordinance to be posted, etc.

No. 923. (2.) Copies of this ordinance shall be posted on the most conspicuous places on said bridges. It shall be the duty of the keepers of said bridges to keep the same so posted, under a penalty of five dollars for each and every day they shall neglect so to do.

Duty of police.

No. 924. (3.) It shall be the duty of all police officers, policemen and watchmen, and the keepers of said bridges to see that the present ordinance be enforced, and to report all infractions thereof to the recorder of the district wherein the same may take place, under the penalty of dismissal.

Amended. See Nos. 926 and 927, (Ordinance 3012, below.)

Repealing clause.

No. 925. (4.) That all ordinances or parts of ordinances contrary to the present be, and are hereby repealed.

City Ordinance, No. 2920. Approved July 18, 1856.

Amending No. 922.

No. 926. (1.) It shall be the duty of all police officers, policemen and watchmen to arrest all persons who may violate any of the provisions of the ordinance to which the present is supplementary, and take such person or persons before the recorder of the district wherein the offense may be committed, and upon due proof being made, such offender shall be condemned to pay the fine or penalty imposed by said ordinance.

No. 927. (2.) That the surveyor be, and he is hereby Surveyor's duty. instructed to cause to be painted in large letters, on some conspicuous portion of each bridge, the penalty for fast driving over said bridges, in accordance with said ordinance.

City Ordinance, No. 3012. Approved Aug. 22d, 1856.

No. 928. (1.) From and after the passage of this ordinance, Vehicle stations first district. the stands or stations for public cabs and carriages, for the first district of the city of New Orleans, shall be as follows : On either side and around Lafayette Square, comprising Camp, North, South and St. Charles streets—that is to say, to stand next the sidewalk around and adjoining said square ; on either side of St. Charles street, from Poydras to Canal streets ; on the north side of Common, in front of the City hotel bar room, also in front of the Verandah bar room ; on the south side of Common street, from the corner of St. Charles to the extent of the limits of the St. Charles hotel ; and on the north and south sides of Canal, from the corner of St. Charles street to the swamp: provided, that all proprietors of hotels, storekeepers and owners and occupants of dwelling houses shall make no objection to any public cab or carriage to occupy such stand in front of his or their property or dwelling as aforesaid.

No. 929. (2.) The stand or station for the second district of Stations second district. the city of New Orleans, for the public cabs and carriages, shall be as follows : On the south side of Canal, from the corner of Royal street to the Swamp, next the neutral ground ; on the north side of St. Louis from the corner of Chartres street, in front of the St. Louis Exchange hotel ; also, on either side and around Jackson Square, next the sidewalk adjoining said square, viz : on St. Peter, St. Ann and Chartres streets: provided, that all owners, proprietors of hotels, storekeepers and occupants of private dwellings shall make no objection to any owner or driver of any cab or carriage to occupy said stand in front of their property as aforesaid.

No. 930. (3.) The stand or station for the third district of Stations third district. the city of New Orleans, for public cabs and carriages, shall be as follows, viz : On the west side of Elysian Fields street, from Victory to Levee streets ; provided said cabs, carriages, etc., shall not prevent the ingress and egress to and from all buildings on the street aforesaid ; also, on either side and around Washington Square, next the sidewalk on said square ; provided, all proprietors of hotels, storekeepers, and owners of property, or tenants shall make no objection to any driver or owner of any cab or carriage to occupy a stand in front of said property as aforesaid.

Penalty for using
other stands.

No. 931. (4.) All owners or drivers of public cabs or carriages, who shall stop or stand, or attempt to stand, other than for the immediate purpose of letting out or taking in a passenger or passengers, other than on the foregoing named places in the first, second and third sections of this ordinance, shall be liable to a penalty of not less than twenty-five dollars for each and every offense, recoverable before any court of competent jurisdiction, for the benefit of the city.

Their positions
at stands.

No. 932. (5.) It shall be the duty of all owners or drivers of public cabs and carriages to leave a space between each intersection or crossing of any street or streets on which they are permitted to stand, of at least fifteen feet between said cab and the crossing or intersection of said stand or streets; and further, they shall be arranged in single lines, in rotation; and in case of the removal of any cab or carriage, the next following shall be entitled to occupy said vacancy occurring from said removal; and any owner or driver of any public cab or carriage who shall violate any of the provisions of this section of the ordinance, shall be liable to a fine of twenty-five dollars for each offense, recoverable as aforesaid.

Drivers.

No. 933. (6.) It shall not be lawful for any owner of any public cab or carriage to drive, or cause to be driven, any cab or carriage by any person under fifteen years of age, within the limits of the city; nor shall it be lawful to employ more than one person to drive any cab or carriage, or to ride upon the seat or box of said cab or carriage, unless a passenger; nor shall it be lawful for any owner or driver of any cab or carriage to leave his or their cab or carriage, or be at a greater distance than ten feet from the same, under a penalty of twenty-five dollars for each and every offense, recoverable as aforesaid.

To remove, to
clean streets.

No. 934. (7.) It shall be the duty of all owners or drivers of public cabs or carriages, whenever the contractors or any others that may be employed to clean, wash, or scrape any street or streets, or gutters, on which said cabs or carriages may be entitled to stand or occupy, to remove the same, so as to allow said work to be performed; and any owner or driver of such cab or carriage who shall refuse to remove or in any manner impede or prevent the performance of said work, shall be liable to a fine of twenty-five dollars for each offense, recoverable as aforesaid.

Tariff of charges
in cabs and car-
riages.

No. 935. (8.) It shall be the duty of all owners or drivers of public cabs or carriages to have, in some conspicuous place in

their cabs or carriages, a tariff of the rates of charges for conveying passengers to and from any part of the city; and in default, shall be liable to a penalty of twenty-five dollars for each offense, recoverable as aforesaid.

No. 936. (9.) It shall not be lawful for any cab or carriage, dray, cart, or other vehicle, to stand on Chartres or Royal streets, from Canal to Esplanade street, other than for the immediate purpose of loading or unloading, even with the consent of the property holders or tenants on said streets, under a penalty of not less than twenty-five dollars, recoverable as aforesaid. Not to stand on Chartres or Royal streets.

No. 937. (10.) Drays, carts, cabs, carriages or other vehicles, shall, with the consent of the owners or tenants of property, be allowed to stand on any and all streets perpendicular to the river, provided they do not obstruct said street or streets, and to be subject to the same regulation, made and provided as in section seven of this ordinance. To stand on cross streets.

(11.) It shall be the duty of the chief of police to see that all the provisions of the foregoing ordinance relating to the duty of all owners or drivers of cabs, carriages, drays, carts, and other vehicles, as far as relates to him, shall be strictly enforced, and report any infraction of the same to the assistant attorney, who shall proceed to collect such fine or fines as may be imposed for the infraction of this ordinance, as aforesaid.

(12.) That all ordinances or parts of ordinances contrary to the provisions of the foregoing ordinance be, and the same are hereby repealed. Repealing clause

City Ordinance, No. 1722. Approved July 18th, 1854.

No. 938. (1.) From and after the promulgation hereof, it shall not be lawful for any owner, driver, or person having charge or authority over a public hack, carriage, or cab for hire, to charge other than the following rates, under a penalty of not more than fifty dollars for each offense, unless the said driver be a slave, then the penalty shall not be more than fifteen dollars for the first offense, and fifty dollars for every offense thereafter, to be recovered before any court having jurisdiction thereof, the fines or penalties collected under this ordinance to be divided between the three municipalities, as provided for in the twenty-second section of an act entitled, "An act to incorporate the city of New Orleans," approved March 8th, 1836. Penalties, etc.

No. 939. (2.) For every trip within the incorporated limits of either municipality, or from the incorporated limits of one Hack and cab charges, etc.

municipality to the incorporated limits of the adjoining municipality, twenty-five cents for each passenger.

From Esplanade street to the Ursuline Nuns' Convent, thirty-seven and a half cents; and lower down *pro rata*, according to the rates of distances hereinafter established.

From the incorporated limits of the second municipality to the incorporated limits of the third municipality, or *vice versa*, fifty cents for each passenger.

For every trip out of the incorporated limits of either municipality, to the incorporated limits of either of the other municipalities, sixty-two and a half cents for each passenger.

For every trip out of the unincorporated limits of one municipality to the incorporated limits of the adjoining municipality, sixty-two and a half cents; provided the distance does not exceed twelve squares of the city proper; then the charge to be *pro rata*.

Charges at
night.

No. 940. (3.) After gunfire, the owner or driver of a carriage, hack, or cab for hire, shall be authorized to exact double the rates prescribed in the foregoing article for each passenger.

Charges for the
lake.

No. 941. (4.) For every trip from either municipality to the lake shore, *via* the Bayou road, or Shell road of the New Orleans Canal and Banking Company, five dollars for the whole carriage, not exceeding four passengers, and for a cab or gig three dollars, and one dollar for each and every hour after the first hour the carriage is detained by the passenger at the lake.

City Ordinance. Approved July 1, 1840.

Not to remain
idle in streets.

No. 942. From and after the passage of this ordinance, it shall not be lawful for the owner or owners of any cart, dray, waggon, carriage or other vehicle to suffer the same to remain in any of the streets or public ways of the city, during the day or night, unless the same shall be in actual use at the time, under a penalty of three dollars; and any such cart, dray, carriage or other vehicle shall be taken by the street commissioner or his deputies, by the day or night police, to the city pound of the district where so found in contravention, and be there kept for three days; and should the owner or owners of the same not claim and pay the fines on the same within three days after the same have been impounded, then it shall be the duty of the street commissioner to advertise and sell the same as provided for in the case of strays, in the third section of this ordinance, or he shall report the same to the assistant attorney of the city.

City Ordinance, No. 751, section 5.

For the "third section" referred to, see "Pounds," No. 591.

No. 943. From and after the promulgation of this resolution, Pound fees. the pound fees chargeable on any or all animals, of whatsoever description, arrested or impounded as strays, shall be one dollar each and the costs of feeding as is now provided for by ordinance No. 751, approved 6th April, 1853; and the pound fees chargeable on any dray, cart, wagon, carriage or other vehicle whether arrested or impounded as incumbrances, or in contravention of any existing ordinance, shall be one dollar, in addition to whatever fine, if any, that may have been imposed for the contravention, by a competent court, said fine of one dollar, being inclusive of the expense of hauling or transportation to the pounds.

City Ordinance, No. 1870.

For Ordinance No. 751, see "Pounds," page 207.

No. 944. *Resolved*, That the adjudications of four contracts for branding drays, carts, etc., made by the comptroller on the 15th December, 1856, be approved, and the securities offered be accepted, as follows :

Branding vehicles, etc.

For the first district, to Pelanne Bros., security Fco. Marquez, at fifteen cents.

For the second district, to Joseph Scholl, M. Weisheimer security, at four cents.

For the third district, to Joseph Scholl, M. Weisheimer security, at four cents.

For the fourth district, to Pelanne Bros., Fco. Marquez security, at twelve cents.

City Ordinance No. 3216. Approved January 7, 1855.

For Vehicles at places of amusement, see No. 58.

For Tax and License, see No. 706, 707, 708, etc.

Relative to conveying Slaves, see No. 761.

ACTS OF THE LEGISLATURE.

See Acts of 1850, page 162, sect. 19, § 12.

See Acts of 1850, page 165, sect. 24, § 2.

DECISION OF SUPREME COURT.

Carts, which a man uses for his own purposes in hauling water for sale, are not vehicles for hire, and, not subject to the ordinance imposing a tax on carts, drays, and other vehicles for hire.—3 La. 248.

WARDENS.—See "MASTER AND WARDENS," page 157.

WATER WORKS AND GAS COMPANIES.

An Ordinance relative to the Commercial Water Works Company, and the New Orleans Gas Light Company.

Obstructing
streets.

No. 945. (1.) It shall be the duty of the commercial water works company, and the New Orleans gas light company to place at the intersections of streets in which they shall lay down pipes, a barrier to prevent carriages, drays, carts and other vehicles from running on the same, until their works shall be completed in each square; provided, the said company shall not be allowed to obstruct any street for a longer time than is now fixed by their charters; and for every violation of this ordinance the contravening company shall be fined not less than twenty-five dollars a day during the continuance of the contravention.

Street commis-
sioner's duty.

No. 946. (2.) Whenever a street is to be newly paved, the street commissioner shall immediately inform the water works company and the New Orleans gas light company of the fact, and the said company shall be requested to lay their main pipes before the paving is commenced.

Paving and ban-
quetting.

No. 947. (3.) That whenever either of said companies shall take up any banquette or paving for the purpose of laying pipes, such company shall, when repairing said banquette or paving, cause the earth to be rammed down and the banquette or paving put in good order and repair, under penalty of a fine of ten dollars for each and every day such company shall fail to repair and put such banquette or paving in order, after notice from the street commissioner.

Repealing clause.

No. 948. (4.) All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

City Ordinance, No. 3171. Approved Dec. 23, 1855.

See Streets, Nos. 815 and 816.

ACT OF THE LEGISLATURE.

For Act of incorporation of water works company, see Acts of 1833, page 151.

General powers.

SEC. 4. That all such persons as shall become subscribers to said company, their successors and assigns, shall be and are hereby created and made a corporation and body politic, by the name and stile of the Commercial Bank of New Orleans, and by that name shall be and are hereby made capable in law, to have, hold, purchase, to receive in payment of debts, possess, enjoy, and retain, to them and their successors, property and estate of what nature, kind, or quality soever, or so far as

is necessary to carry into complete effect the object of this charter, which is declared to be the furnishing of the city with good and wholesome water; and the same to alien, transfer and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court or courts of record, or other place whatsoever; to have forever the exclusive privilege, from and after the passing of this act, of supplying the city and inhabitants of New Orleans and its faubourgs, with water from the river Mississippi, by means of pipes or conduits, and for erecting, constructing, or working of any necessary engine; and they may contract for, purchase or lease, the right to enter and pass through, from time to time, as occasion may require, any lands or grounds through which they may deem it necessary to convey the said water into said city and its faubourgs; and to construct, dig or cause to be opened, any canals or trenches whatsoever, for the conducting of the water of the river from any place or places that they may deem fit, and to raise and construct such dykes, mounds, or reservoirs, as they may judge proper, for securing and conveying such supply of water, as aforesaid, to the said city and the faubourgs thereof; and to survey such lands as they may think proper, in order to ascertain the best mode of furnishing such supply, and to lay and place any number of conduits, pipes, and aqueducts, and to cleanse or repair the same, through or over any of the lands or streets of the city of New Orleans and its faubourgs, and also to have and use a common seal, and the same to break, alter and renew at pleasure; and also, through their president and directors, to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to this act, nor to the constitution and laws of the United States, or of this State, or ordinances of the city council of New Orleans; and generally, to do and execute all such acts, matters and things, as to them shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions, limitations and provisions hereinafter specified and declared. Provided however, that at any time after the expiration of thirty-five years from the passage of this act, it shall be lawful for the corporation of the city of New Orleans to purchase from the Commercial bank of New Orleans, the water works constructed by said company in virtue of this act—and said company shall not refuse to sell the works aforesaid, with all the rights and privileges appertaining to the same, on the terms hereinafter provided.—Acts of 1833, p. 153.

Water works.

After thirty-five years corporation of New Orleans may purchase.

Sec. 11. That said company shall, within twelve months after the first election of directors, commence works, and commence to procure such materials, as may be necessary to enable them to furnish the inhabitants of the city of New Orleans and its faubourgs, with sufficient water from the river at all seasons of the year; and in order that the true intent and meaning of this act be strictly adhered to and complied with, and that the water works, contemplated to be constructed by said company, be completed in the shortest time practicable, under all the circumstances, the sum of at least one hundred thousand dollars

One hundred thousand dollars to be annually expended on the water works.

shall be expended on the works aforesaid, annually, until the said company is in a situation to supply, and actually do supply, water to the greater part of the streets of the city proper, and the principal and most populous streets of the faubourgs—said expenditure to commence within one year after the passage of this act—so that the city of New Orleans and the faubourgs thereof, may be furnished with water in the streets, and such inhabitants may procure it by means of conduits or pipes, within their houses and lots, at a price to be regulated by the company: and should the said company fail or neglect either to commence or continue said works as aforesaid, then, and in such case, the charter now granted shall be wholly null and void. Provided however, that the net profits on the same shall not exceed an interest of fifteen per centum per annum, from the time of disbursements of said works; and at such times as dividends shall be declared by the bank, say semi-annually, the interest on the sum expended in constructing said water works shall be added thereto, and shall form a part of the capital invested, until the net revenues on said works amount to fifteen per centum as aforesaid: and provided also, that the city council of New Orleans shall have the power annually to appoint a committee, who shall have access to such of the books of said bank as relate to the said water works company, and may make such extracts from the same as they think necessary: and provided further, that at the end of five years after the first appropriation, the said net profits shall not exceed ten per cent.—and in case said profits should exceed fifteen per centum during the first five years, and ten per centum afterwards, as provided for in this section, the city council shall have the power to reduce the price of water, in such a manner and in such a proportion, that the profits should never exceed the above mentioned rates.—Acts of 1833, p. 157.

Limitation of profits.

City council of New Orleans to appoint a committee.

Right of corporation of New Orleans to subscribe.

To appoint two directors.

Proviso.

SEC. 21. That within the first thirty days that the books are opened for subscription, the corporation of the city of New Orleans may subscribe for five thousand shares of the capital stock of said company, not subject to deduction; and for which the said company may receive the bonds of the mayor, aldermen and inhabitants of New Orleans, redeemable in forty years, bearing an interest not exceeding five per centum per annum, payable half yearly.

SEC. 22. That if, agreeable to the twenty-first section of this act, the corporation of the city of New Orleans shall subscribe for five thousand shares of the capital stock of the Commercial bank of New Orleans, then, and in that case, the city council of New Orleans shall annually elect by ballot, from the mayor, recorder and aldermen of said council, two persons, who shall be members of the board of directors; and the stockholders shall only elect eleven instead of thirteen directors, as provided for in the third and sixth sections of this act, in which election the said city council shall not vote as stockholders. Provided, that nothing herein contained shall be so construed, as in any manner to impede, diminish or impair, the rights and powers granted to the city council of New Orleans, and to the committee to be appointed by them annually, by virtue of the eleventh section of this act.—Acts 1833, p. 160.

SEC. 38. That the corporation of New Orleans shall be supplied by the said company, free of charge, with all water necessary for the extinguishment of fires and other public purposes: nor shall the city council be subjected to any charge for water furnished to supply the gutters of the said city and faubourgs: and that the said company, as they progress in laying aqueducts, shall place, free of any charge whatever, two hydrants of a proper construction, in front of each square, at a suitable distance from each other, from which a sufficient quantity of water may be conveniently drawn, for extinguishing fires, for wetting, washing and watering the streets and gutters, and any other public purpose: that on the squares which do not front on the river, the hydrants shall be placed on opposite sides of the streets, at an equal distance from each other and the corners; that the said hydrants shall be of a proper size and made so as at all times to furnish water for the fire engines, and purposes herein mentioned: it shall further be the duty of said company, to supply water for all the purposes herein mentioned, at all times during the continuance of this charter, unless prevented by some unavoidable accident; and in case such shall occur, the repairs shall be made and the water again furnished at the expiration of the necessary delay; and the said company shall supply a sufficient quantity of clear, pure and wholesome water for the use of the inhabitants, within the limits aforesaid, at the elevation of fifteen feet, when the same may be required. Provided however, that said hydrants shall be under the control of the Commercial bank.—Acts of 1833, p. 167.

Corporation of New Orleans to be supplied with water free of expense, for public purposes.

Hydrants to be placed in front of each square.

SEC. 42. That when, after the expiration of thirty-five years, the said corporation of New Orleans shall be inclined to buy the said water works from the Commercial bank of New Orleans, the price shall be fixed by arbitrators, five of whom shall be chosen by the president and directors of the Commercial bank of New Orleans, and five by the city council of New Orleans; said arbitrators not to be stockholders in said company, nor members of the city council of New Orleans. Said arbitrators shall take into consideration the value of the water works and grounds appertaining thereto, for supplying the city and faubourgs of New Orleans with water by the said company; and if they agree, and so report, in writing, their award shall be binding on the respective parties. But in case of disagreement, the judge of the judicial district court in which the said water works are situated, shall appoint as umpires, five disinterested individuals as above, whose decision and award, in writing, reported to the judicial district court aforesaid, shall be binding and conclusive. And the amount so agreed upon, shall be payable in the bonds of the mayor, aldermen and inhabitants of New Orleans, bearing an interest of five per centum per annum, interest payable thereon semi-annually, and redeemable in not less than ten, nor more than thirty years from the day on which said award shall be signed, and the said water works delivered over to the said corporation of New Orleans.

Price of the water works, in the event of purchase by the city, to be fixed by arbitrators.

Umpire.

Award.

SEC. 43. That in case the mayor, aldermen and inhabitants of New Orleans, shall deem it undesirable or inexpedient to purchase the said

Bonds of city to be renewed in

case of certain balance.

water works from the Commercial bank of New Orleans, as provided for in sections four and forty-two, and to notify the Commercial bank of New Orleans thereof, at any time within eighteen months thereafter, the bonds given by the mayor, aldermen and inhabitants of New Orleans, for the amount of stock owned by the corporation of New Orleans, shall be renewed by the Commercial bank of New Orleans for twenty-five years, on the same terms and conditions as provided for in sections twenty-one and forty-one of this act: provided however, the amount formed by the sinking fund herein provided, shall be applied to the payment of said bonds, as far as it will go, and the bonds only renewed for such balance as may not be made up by the sinking fund aforesaid.—Acts of 1833, p. 169.

An Act to compel the Commercial Bank of New Orleans to comply with the terms of its charter.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the Commercial bank of New Orleans shall cause to be opened, free of charge, all hydrants in the city of New Orleans, at such times and under such regulations as the general council of New Orleans may direct, for the purpose of washing the streets and gutters of the three municipalities of said city, and for the purpose of extinguishing fires, and for other public purposes.

Hydrants of the water works to be opened in conformity with the regulations of the general council of New Orleans.

SEC. 2. That the Commercial bank of New Orleans shall, immediately after the promulgation of this act, commence extending their water pipes until they include the wards, or reach the streets following, viz: In municipality number two, in the first ward, all the streets; in the second ward, in all the streets as far back as Hercules street; in the third ward, all the streets; in the fourth ward, all the streets as far back as Benton street; in the seventh ward, all the streets as far back as Claiborne street; from Canal street as far up as Common street, and as far back as St. Mary street, for the rest of the ward. In municipality number one, in all the streets of the second, fifth and seventh wards, as far back as Claiborne street. In municipality number three, in all the streets of the first ward as far back as Morales street; in the second ward, in all the streets as far back as Morales street; in the third ward, in all the streets as far back as Greatmen street, and as far down as Elmire street. And that said bank shall continue the extension of said water pipes until all the streets within said limits are supplied with water; and in order to effect said object said bank shall annually expend and disburse one hundred thousand dollars for each and every year, until the said works, as herein described, shall be fully completed and in use.

What extension the Commercial bank is bound to give to its water pipes.

Obligation of the Commercial bank to spend, for the object aforesaid, \$100,000 annually.

The general council of New Orleans empowered to purchase the water works of the Commercial bank.

SEC. 3. That at any time after the promulgation of this act, upon the consent of a majority in amount of the stockholders of the Commercial bank of New Orleans, the general council of the city of New Orleans is hereby empowered to purchase, for the benefit of the three municipalities of said city, for a price to be contributed pro rata by and in proportion to the value of the works in each of said municipalities, the water works of the said bank, in the manner directed by existing laws.

SEC. 4. That from and after the promulgation of this act the directors appointed to represent the city of New Orleans in said bank shall have the same rights in the board of directors as those appointed by the stockholders.

Rights of the city directors in said bank.

SEC. 5. That until said works as described in the second section of this act are fully completed and in use, no dividend shall be declared or paid to the stockholders, and none of the revenues of said bank shall be applied to any other purpose than the carrying on of said works described in said section of this act.

No dividend to be declared until the completion of the aforesaid works.

SEC. 6. That immediately after the promulgation of this act the president of said bank shall call a meeting of the stockholders thereof, to determine whether they will accept of the provisions of this act as supplementary to the provisions of the act of incorporation of said bank; and in case of a majority of said stockholders in amount shall not, within ninety days from the promulgation of this act, file their acceptance, in writing, of the provisions of this act, in the office of the secretary of State, then the attorney general of this State is hereby instructed to institute and carry on proceedings to obtain a decree of forfeiture of the charter and all the privileges and franchises of said bank.—Acts of 1848, page 135.

Meeting of the stockholders to be called.

Acceptance of the provisions of this act.

In what case the attorney general is to sue for the forfeiture of the charter of said bank.

See acts of 1852, page 158.

DECISION OF THE SUPREME COURT.

The act of April 1st, 1833, incorporating the Commercial bank, exempts from taxation nothing but the three millions of dollars furnished by the stockholders for its operations. The shares and other real property held by the bank, are liable to taxation.—5 R. R. 151.

WHARFINGERS.

No. 949. (1.) There shall be appointed by the common council, in the month of May, (or as soon after as practicable,) and every year thereafter, the following wharfingers and assistants, who shall enter upon the discharge of their duties on the first day of June.

Appointment of wharfingers and assistants.

One wharfinger for the steamboats, steamships, flats, etc., of the first district.

One assistant wharfinger for all that portion of the first district from the flatboat landing unto the upper line of said district.

One wharfinger for the whole of the second district.

Two assistant wharfingers for the second and third districts.

One assistant wharfinger for the fourth district.

Amended. See No. 355.

No. 950. (2.) The assistant wharfingers of the first and fourth districts shall make daily reports of the arrivals and

Reports of assistant wharfingers.

departures of all vessels, flats, etc., with their tonnage, to the wharfinger of the first district. The assistant wharfingers of the second and third districts shall also report in same manner to the wharfinger of the second district.

Report of wharfingers.

No. 951. (3.) It shall be the special duty of the wharfingers to make a weekly report to the comptroller of all and every description of vessels, their tonnage, etc., which may each day enter and moor within the limits of the port under their superintendence; which weekly report shall be filed in the office of said comptroller for further reference and examination, in regular rotation and dates.

Office hours and compensation.

No. 952. (4.) The wharfingers and assistants shall perform such duties as are now prescribed by existing ordinances, or that may be hereafter prescribed by the common council. The office of the wharfingers shall be open from sunrise to sunset (Sundays excepted.) They shall receive for compensation, fifteen hundred dollars per annum, payable monthly, and the assistants nine hundred dollars per annum, payable monthly.

Bonds.

No. 953. (5.) For the faithful performance of their several duties, the wharfingers shall furnish bonds and security, in the sum of five thousand dollars each; and the assistants in the sum of two thousand dollars each.

Repealing clause.

No. 954. (6.) All ordinances or parts of ordinances, conflicting with the foregoing ordinance, be, and the same are hereby repealed.

City Ordinance, No. 54. Approved 28th May, 1852.

Duty of wharfingers.

No. 955. That so much of the ordinance No. 54, creating the offices of wharfinger and assistant wharfingers, be, and is hereby amended so as to give to the wharfinger of the first district the control of the fourth district, and the supervision of the duties of the assistant wharfingers of the first and fourth districts, and the wharfinger of the second district the control of the third district and the supervision of the duties of the assistant wharfingers of the second and third districts.

City Ordinance, No. 2237. Approved July 15th, 1855.

Monthly pay-rolls.

No. 956. That the wharfingers of the several districts, and the street commissioner be, and they are hereby directed and instructed to return monthly pay-rolls of the persons employed by them, and now on the pay-rolls of the surveyor's department.

City Ordinance No. 905.

No. 957. (1.) No wharfinger or assistant wharfinger shall in any case act as collector of levee dues. Not to act as collectors.

(2.) Any violation of this ordinance, or any section of this ordinance, shall subject the offender to dismissal from office.

City Ordinance No. 2238, sects. 3 and 4.

No. 958. The resolution of the common council passed in March last, fixing the salaries of the laborers employed in the street commissioner's and surveyor's departments at thirty-five dollars, does not apply to the men employed by the several wharfingers, and that their salaries be as heretofore, forty dollars per month. Laborers pay.

City Ordinance No. 1147.

No. 959. (1.) It shall be the duty of the wharfingers to make a weekly report to the comptroller, of all and every description of vessels, their tonnage, etc., which may each day enter and moor within the limits of the port under their superintendence, which weekly reports shall be filed in the office of said comptroller, for further reference and examination, in regular rotation. Their weekly report.

No. 960. (2.) It shall be their duty to keep a list of all vessels arriving within the limits of the city, to direct the mooring and landing of steamboats, flatboats and other vessels; and they shall keep a regular account of the general transactions in the harbor, and for that purpose they shall keep well bound books, one for ships and other sea-going vessels, one for steamboats, one for flatboats, and one for barges, keelboats and other craft, in which shall be kept a journal of the arrivals, arranged in such a manner as to present in one line the name of the vessel, the master or consignee, the tonnage or burden, the amount of duty to which said vessel may be subject, as well as the date of the arrival and departure thereof; and the said books shall be regularly posted every day. To keep lists, journals, etc.

No. 961. (3.) Each wharfinger, in his district, is authorized to point out the place and position any steamboat, flatboat, barge, keelboat, or any other craft shall take, at the part of the levee allotted to them, and in case any captain or officer in command neglects or refuses to obey his orders and directions, given for that purpose, the said captain, owner, or officer in command shall be fined not less than twenty-five dollars, nor more than one hundred dollars for every day he shall continue to neglect or refuse to obey the orders of the said wharfinger. To place vessels, etc.

See No. 363.

Goods, wares, etc.,
on levee.

No. 962. (4.) It shall be the duty of the wharfingers to see that all produce, goods, wares, and other articles landed on the levee, be laid as near as possible to the paved part of the levee, and that the bank of the river and wharves be neither obstructed nor encumbered; and the said wharfinger is authorized to give the necessary orders to all persons whom it may concern; and any person obstructing the passage, or the wharves or banks of the river, or neglecting to arrange his merchandise in such manner as shall be directed by the wharfinger, and shall refuse to remove the obstruction after notice, shall be fined not less than twenty nor more than fifty dollars; and the wharfinger shall have authority to remove all obstructions, as provided in ordinance relative to pounds.

See Nos. 1030, 1031, and "Pounds," p. 207.

Repealing clause.

No. 963. (5.) All ordinances or parts of ordinances, conflicting with the provisions of this ordinance, are hereby repealed.

City Ordinance, No. 3151. Approved Dec. 19, 1856.

For their duty relative to the batture, etc., see No. 68.

" " " to flatboat basin, etc., see p. 119.

See "Harbor Masters," p. 118.

See "Master and Wardens," p. 157.

WHARVES, WHARFAGE, PORT, ETC.

Sale of revenue
of wharves.

No. 964. (1.) *Be it ordained*, by the common council of the city of New Orleans, that the comptroller of said city shall, within sixty days after the passage of this ordinance, and the approval thereof by the mayor, and after twenty days notice thereof, given by publication in the official journal, adjudicate and sell at his office, to the highest bidder, and in accordance with the stipulations herein contained, the revenues of the wharves of said city, collectable under existing ordinances, upon all ships, vessels, steamships, steamboats, flatboats, and water craft, of any and every description whatsoever, for the term of three years, commencing on the 1st day of October, 1855, and ending with the 30th day of September, 1858.

Wharves divided
into six sections.

No. 965. (2.) That for the purpose of said adjudication and sale, the wharves of said city shall be divided into six sections, as follows:

First section.

Sec. 1st, shall comprise all the wharves and landings of said city, lying and being upon the Mississippi river and contained

within the upper or southern limit of said city, and the upper line of Felicity Road.

Sec. 2d, shall comprise all the wharves and landings of said city, lying and being upon the Mississippi river, and contained within the upper limit of Felicity Road and the lower line of North Market street. Second section.

Sec. 3d, shall comprise all the wharves and landings of said city, lying and being upon the Mississippi river, and contained within the lower line of North Market street, and the upper line of that part of the river front of said city, which is appropriated to the Canal street ferry. Third section.

Sec. 4th, shall comprise all the wharves and landings of said city, lying and being upon the Mississippi river, and contained within the lower line of that portion of the river front of said city which is appropriated to the Canal street ferry and the lower line of Toulouse street. Fourth section.

Sec. 5th, shall comprise all the wharves and landings of said city, lying and being upon the Mississippi river, and contained within the lower side of Toulouse street, and the upper line of that portion of the river front of said city, which is appropriated to the Esplanade street ferry, and excepting therefrom that portion of the river front which is, or may hereafter be appropriated for a ferry, to an extent of not more than one hundred and fifty feet at the foot of St. Ann street. Fifth section.

Sec. 6th, shall comprise all the wharves and landings of said city, lying and being upon the Mississippi river, and contained within the lower line of that portion of the river front of said city, which is appropriated to the Esplanade street ferry, and the lower or northern limit of said city. Sixth section.

No. 966. (3.) That said comptroller shall adjudicate and sell as aforesaid, the revenues collectable, as aforesaid, within the various sections set forth in the second section of this ordinance, separate and apart; commencing with section first, and ending with section sixth, as set forth in said second section. How to be sold.

No. 967. (4.) That each and every person to whom shall be adjudicated and sold, as aforesaid, the revenues collectable, as aforesaid, within the various sections set forth in section second of this ordinance, shall be subrogated to all the rights and privileges of the city of New Orleans, to sue for and to collect said revenues. Subrogation of rights.

No. 968. (5.) That each and every person to whom shall be adjudicated and sold, as aforesaid, the revenues collectable as Vendee not to transfer his purchase.

aforesaid, within the various sections set forth in section second of this ordinance, shall not sell, transfer, assign, set over, or sublease his or their right, title or interest in the same to any person or persons whatsoever; and that in case of any sale, transfer, assignment or sublease made by any person or persons of the rights or interests acquired under and by virtue of this ordinance, such sale, transfer, assignment or sublease shall work a forfeiture of said rights and interests so acquired as aforesaid, and the same shall revert to the city of New Orleans.

What the city reserves.

No. 969. (6.) That the city of New Orleans reserves to herself, and excepts from said sale, each and every ferry landing and ferry wharf now existing, and each and every nuisance wharf now existing, and all revenues arising from the same. The common council also reserves the privilege of changing the location of the ferry landing in the fourth district, provided the same shall not occupy more space than where it now is.

Purchasers to give bonds.

No. 970. (7.) That each and every person to whom shall be adjudicated and sold, as aforesaid, the revenues collectable, as aforesaid, within the various sections set forth in section second of this ordinance, shall give bond, with good and sufficient security, to be approved by the common council, in an amount equal to one-fourth part of the price of said adjudication and sale, and conditioned for the true and faithful performance and fulfillment of all acts and obligations required to be performed and fulfilled on the part of said person or persons by this ordinance.

To give promissory notes.

No. 971. (8.) That each and every person to whom shall be adjudicated and sold, as aforesaid, the revenues collectable, as aforesaid, within the various sections set forth in section second of this ordinance, shall give therefor his or their promissory notes, endorsed to the satisfaction of the common council, in an amount equal to the purchase price of the revenues so adjudicated and sold, as aforesaid.

How payable.

No. 972. (9.) That the notes required to be given by section seventh of this ordinance shall be divided into a series of thirty-six in number, and made payable in fifteen days, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five months after date; and that such of said notes as shall be made payable in the months of January, February, March, April, May and

June of each year, shall be drawn payable each in an amount equal to one-twenty-seventh part of the purchase price of the revenues so adjudicated and sold, as aforesaid, and that such of said notes as shall be made payable in the months of July, August, September, October, November and December of each year, shall be drawn payable each in an amount equal to one-fifty-fourth part of the purchase price of the revenues so adjudicated and sold, as aforesaid.

No. 973. (10.) That each and every person to whom shall be adjudicated and sold, as aforesaid, the revenues collectable as aforesaid, within the various sections set forth in section second of this ordinance, shall accept and take possession of the wharves, landings and levees contained within the section or sections whose revenues are to be adjudicated and sold on the 1st day of October next; that said wharves, landings and levees shall be accepted in the condition in which the same may be in on said 1st day of October next; and that said person or persons, so accepting and taking possession of said wharves, landings and levees, shall repair the same and keep the same in good order and condition during the whole term of three years, commencing with the said 1st day of October, 1855, and ending with the 30th day of September, 1858. Provided, that the lessees shall have no right to build any shed, warehouses or platforms on said levee, without the permission of the common council.

Wharves to be kept in good order.

No. 974. (11.) That the levees named in section tenth of this ordinance, shall extend back to the line of the street or streets fronting the river; that is to say the levee comprised within section No. 1, shall extend back to the line of Water street, from the upper line of the fourth district to Adele street, and to Tchoupitoulas and New Levee streets, from Adele street to Felicity road; the levee comprised in section No. 2 shall extend back to the line of New Levee street from Felicity road to Race street, and to Front levee from Race street to North Market street; the levee comprised in section No. 3 shall extend back to the line of Front street from North Market to Canal street; the levee comprised in section No. 4 shall extend back to the line of Front street from Canal to Customhouse streets, and to New Levee street from Customhouse to Toulouse street; the levee comprised in section No. 5, shall extend back to the line of Old Levee street; the levee comprised in section No. 6, shall extend back to public road or New Levee street.

How far levees to extend.

Levee repairs in
what to consist.

No. 975. (12.) That the repairs of the levees required to be made under section tenth of this ordinance, shall consist in grading the same according to the grades already established; in covering the same with hard substances, such as lake or oyster shells and gravel; in keeping the same always in good order, by filling up all holes on their first appearance, with hard substances as above mentioned; in filling up with river sand all parts of the same which may cave in or sink below the grades aforesaid; and in keeping the bulkheads on the outside of the same, always in good order and condition.

Wharf repairs.

No. 976. (13.) That the repairs of the wharves required to be made under section ninth of this ordinance, shall consist in repairing all holes in the flooring of the wharves and inclined planes immediately on their first appearance; in raising all portions of the wharves which may have sunk, or which may sink below the levels now established; in taking out and renewing all caps and stringers, piles, fender piles, flooring, etc., which may be found rotten or decayed; in building anew all wharves, which, from general decay, may require the same; and in extending into the river all wharves which may require extension, so as to have at all times a depth of water of twenty feet at the water line of each and every wharf used for the landing and discharge of ships, and a depth of water of ten feet at the water line of each and every wharf used for the landing and discharge of steamboats.

Wharf repairs.

No. 977. (14.) That in making the repairs required by section twelfth of this ordinance, the piles used shall be of lake or river timber, of the best quality, eleven by eleven inches square at one end, and nine by nine inches square at the other end, and shall be driven from fifteen to twenty feet into the solid ground, at distances of ten feet from the centers; the heads of the piles shall be squared according to the levels to be given by the city surveyor, and shall receive and support eleven by eleven inches square caps, which shall be strongly fastened to each of said piles with drag nails, one inch square by eighteen inches long. The stringers used shall be at least ten inches square, shall rest at right angles upon the caps, at distances of five feet from the centers, and shall be strongly fastened at each intersection with a cap with drag nails, one inch square by sixteen inches long. The planks used for the flooring shall be of yellow pine, of the best quality, twelve inches wide by three inches thick, and not less than fifteen feet long; they shall be strongly nailed to each of the

stringers with seven inch pressed spikes, two at each end of each plank, and one at each intersection of the stringers.

No. 978. (15.) That each and every wharf used for the land- Wharf repairs.
ing and discharge of steamboats, shall have an inclined plane projecting from the foot thereof, of at least thirty feet in width; that on the outside of said inclined plane, and adjoining the last row of piles thereof, there shall be driven a row of piles, which shall receive a cap eleven-by-eleven inches square, with nine inch tenants and mortices, and on the top of said cap shall rest a fender cap twelve inches square, which shall be fastened to the two other caps, at a distance of five feet, with screw bolts of one and one-half inches in diameter, and of suitable lengths; that the four rows of piles of each inclined plane shall be braced every ten feet with ten-by-ten inch braces, which shall be fastened to each pile with screw bolts, of one inch diameter, and of suitable length; and that each and every person who shall accept and take possession of said wharves, in accordance with section ninth of this ordinance, shall repair and keep in good order and condition, during the whole of said term of three years, such inclined planes aforesaid as do now exist connected with the wharf or wharves so accepted and taken possession of; and in case there shall be no inclined plane as above required, at the time of accepting and taking possession of said wharf or wharves, as aforesaid, then that each and every person so accepting and taking possession of the same, shall cause said inclined plane or planes to be built, at his or their expense, and shall keep the same in repair as aforesaid, during the whole of said term of three years.

No. 979. (16.) That at each and every wharf used for the Wharf repairs.
landing and discharge of ships, a row of fender piles shall be driven, each pile ten feet apart, and fastened in a strong manner to the piles of the wharves with at least two screw bolts of one and a half inches in diameter; that on the front of said wharves two fender caps shall be placed, one on a level with the flooring of the wharf, and the other at five feet above low water mark; said fenders to be twelve-by-twelve inches square, and to be fastened to the piles of the wharf with screw bolts one and a half inches in diameter, and that each and every person or persons who shall accept and take possession of said wharves, in accordance with section tenth of this ordinance, shall repair and keep in good order and condition during the whole of said term of three years, such fender piles and fender caps as do now exist, connected with the wharf or

wharves so accepted and taken possession of; and in case there shall be no fender caps, as above required, at the time of accepting and taking possession of said wharf or wharves, as aforesaid, then that each and every person so accepting and taking possession of the same, shall cause said fender piles and fender caps to be driven and placed, as above required, at his or their own cost, and shall keep the same in repair during the whole of said term of three years.

Wharf repairs.

No. 980. (17.) That at each and every wharf used for the landing and discharge of steamships, fenders shall be driven at equal distances of twenty feet; that each fender shall be composed of four poles eleven-by-eleven inches square, strongly fastened together and to the wharves, with at least six screw bolts of one and a half inches in diameter; that the four outside rows of piles of each and every wharf used for the landing and discharge of steamships and of ships, shall be braced every ten feet with ten-by-ten inch braces, which shall be fastened to each of said piles with screw bolts of one inch in diameter. And that each and every person who shall accept and take possession of said wharves in accordance with section ninth of this ordinance, shall repair and keep in good order and condition during the whole of said term of three years, such fenders and braces as do now exist connected with the wharf or wharves so accepted and taken possession of; and in case there shall be no fenders or braces, as above required, at the time of accepting and taking possession of the same, shall cause said fenders to be driven, and said braces to be made at his or their own cost, and shall keep the same in good repair during the whole term of three years.

Wharf repairs.

No. 981. (18.) That on all the wharves which shall be accepted and taken possession of, in accordance with section ninth of this ordinance, mooring piles, twelve inches square, shall be driven as follows, to wit: On the steamboat wharves, single piles along the inclined planes at distances of forty feet from the centers; on the steamship and ship wharves, double piles wheresoever the harbor master shall direct. That each of the aforesaid mooring piles shall be strongly fastened to the piles of the wharves, with at least ten sound bolts of one inch in diameter, and shall project three and a half feet above the flooring of the wharves, and that each and every person who shall accept and take possession of said wharves, in accordance with section ninth of this ordinance, shall repair and keep in good order and condition, during the whole of said term of three years, such mooring

piles as do now exist, connected with the wharf or wharves so accepted and taken possession of, and in case there shall be no mooring piles, as above required, at the time of accepting and taking possession of said wharf or wharves as aforesaid, then that each and every person so accepting and taking possession of the same, shall cause said mooring piles to be driven and fastened at his or their own cost and shall keep the same in good repair during the whole of said term of three years.

No. 982. (19.) That all works and repairs required to be done by this ordinance, shall be done under the supervision of the surveyor and of the committee on streets and landings of the two boards of the common council ; and in case of refusal on the part of said lessees, to make said repairs, it shall be the duty of the surveyor to have them made forthwith at the expense of said lessees.

Works and repairs, under whose supervision.

No. 983. (20.) That all works and repairs required to be done by this ordinance, shall be done by the parties bound to do the same, without any delay after notice thereof is given by the surveyor, with the approval of the committee of streets and landings of the common council.

Repairs and notice.

No. 984. (21.) That the common council may revoke, set aside, and annul any sale, made under and by virtue of this ordinance, of revenues collectable in either or any of the sections set forth in section number two of this ordinance, whenever the party or parties purchasing shall neglect or fail to make, within a reasonable time, the works and repairs required to be done by this ordinance, or may have the required work or repairs done at the expense of said party or parties, or may resell the said section or sections for account and risk of said defaulting party or parties.

Consequence of neglect to repair.

No. 985. (22.) That the common council may revoke, set aside and annul any sale made under or by virtue of this ordinance, of revenues collectable in either or any of the sections set forth in section number two of this ordinance, whenever the party or parties purchasing shall neglect or fail to pay at maturity any note given in part payment of the purchase price of said revenues collectable as aforesaid, and thereupon the city may take immediate possession of the wharf or wharves, landings and levees, within said section or sections, as are described in section number two of this ordinance, and proceed to collect the revenues collectable within the same.

Failure to pay instalments.

Spars, timbers,
planks, etc.

No. 986. (23.) That each and every person who shall accept and take possession of the aforesaid wharves, in accordance with section ten of this ordinance, shall be furnished by the surveyor with an inventory of all spars, timbers, stage planks, etc., used for mooring vessels and for stagings for vessels, and shall give to the surveyor a receipt for the same, and shall at all times keep on hand for the use of vessels a sufficient supply of the same, and shall return to the city at the end of their lease an inventory of equal amount and value of the same.

Responsibility in
damages.

No. 987. (24.) That each and every person who shall accept and take possession of the aforesaid wharves, landings and levees in accordance with section tenth of this ordinance, shall be responsible for all damages which may be claimed of the city by any party or parties who may sustain injury in consequence of the neglect of the aforesaid person or persons, to comply with the requirements of this ordinance.

Removal of mer-
chandise, etc.

No. 988. (25.) That no person or persons, to whom shall be adjudicated and sold, as aforesaid, the revenues collectable as aforesaid, within the various sections set forth in section second of this ordinance, shall order off or remove from any wharf or wharves within either of said districts, any articles of freight or merchandise landed upon the same from any steamboat until twenty-fours after said steamboat shall have fully discharged her cargo.

See "Pounds," p. 207.

Police regula-
tions and wharf-
age dues.

No. 989. (26.) That all the aforesaid wharves, landings and levees, shall continue subject to the police regulations now governing the same, and under existing ordinances, and no change shall be made without the consent of both parties; that all ships and other water craft shall pay the dues, collectable under existing ordinances, to the lessee of the revenues of the district in which they fall due, and that in case of removal of any ship or water craft from one district to another, the dues so collectable shall be divided pro rata between the lessees of the revenues of the district in which the ships or vessel may lie, according to the number of days said ship or vessel shall lie and be within the several districts.

Sale not to be
valid, etc.

No. 990. (27.) That no adjudication or sale of the revenues collectable as aforesaid, within the various sections set forth in section second of this ordinance shall be valid, unless the aggregate amount of all the sales to be made as aforesaid equals the sum of three hundred and fifty thousand dollars.

No. 991. (28.) The common council shall have the right to reject any of the adjudications made in conformity with the present ordinance. Right to reject adjudications.

No. 992. (29.) That all ordinances and parts of ordinances, rules and regulations that are contrary to the provisions of this ordinance be, and the same are hereby repealed. Repealing clause.

City Ordinance, No. 2364. Approved August 16, 1855.

No. 993. (1.) From and after the passage of this ordinance, the levee or wharfage rates on ships or other sail vessels, steamships, steamboats, flats, barges and other crafts, shall be fixed as follows : Wharfage dues.

On all ships or sail vessels of one thousand tons and under, twenty-five cents per ton.

Excess of tonnage over one thousand tons, twenty cents per ton.

On all steamships, seventeen and one-half cents per ton.

On all steamboats of one thousand tons and under, fifteen cents per ton.

Excess of tonnage over one thousand tons, ten cents per ton.

On each flatboat not measuring over eighty feet, ten dollars.

On each flatboat measuring over eighty to one hundred feet, twelve dollars.

On each flatboat measuring over one hundred feet, fifteen dollars.

On each barge more than seventy feet long, twelve dollars.

On each barge less than seventy feet and not exceeding fifteen tons burthen, eight dollars.

On each steamboat hull used as a barge, twenty-five dollars.

On each scow and coastwise pirogue, two dollars.

For every flatboat, barge, or other vessel, not including steamboats, employed in transportation of brick, lumber, or other building materials, or in bringing produce from this and neighboring parishes to the city, and measuring not over twenty-five tons, the levee and wharfinger dues shall be thirty dollars per annum.

From twenty-five to fifty tons, sixty dollars per annum.

Over fifty and not exceeding seventy-five tons, eighty dollars per annum.

Over seventy-five and not exceeding one hundred tons, one hundred and twenty-five dollars per annum.

Over one hundred tons, two hundred dollars per annum.

Amended, see No. 999, et seq.

Small craft.

No. 994. (2.) Every proprietor of any small craft of the description above mentioned, who shall desire to enjoy the privilege accorded by the present ordinance, must apply to the treasurer of the city of New Orleans for the purpose of obtaining a license, approved by the mayor and countersigned by the comptroller, which license shall specify the number or name of such craft, which shall be painted in a conspicuous place on the side of said craft.

How long to remain in port.

No. 995. (3.) Hereafter it shall not be lawful for any pirogue, flatboat, barge, boat or keelboat, to remain in port longer than eight days, under the same provisions and penalties contained in article three of an ordinance of the general council, approved May 26, 1843.

How long to remain in port.

No. 996. (4.) That the payments on levee dues on ships, or sail vessels, steamships or steamboats, shall be exacted and collected by the collectors of levee dues, and an extra duty of one-third these rates shall be paid by all sail vessels or steamships which may remain in port over two months, the same to be recovered at the commencement of the third month; and if over four months, an additional duty of one-third these rates.

Steamboats shall be entitled to remain thirty days in port after the payment of the dues. All over five days to pay an additional duty of two dollars per day.

No. 997. (5.) That all vessels now in port, and that have paid a daily or weekly wharfage, shall be allowed (and the collectors are hereby authorized) to deduct the amounts so paid from the rates now to be collected.

Repealing clause.

No. 998. (6.) All ordinances or parts of ordinances conflicting with the foregoing be, and the same are hereby, repealed.

City Ordinance, No. 279. Approved Sept. 21, 1852.

The Office of Collector has been abolished by Ordinance, No. 2420.

Wharfage dues.

No. 999. From and after the first of January, 1853, the levee or wharfage dues on ships, and other decked vessels, and steamships, arriving from sea, shall be fixed as follows: On all vessels of one thousand tons and under, twenty cents per ton; and excess of tonnage over one thousand tons, fifteen cents per ton. On all steamships navigating the Gulf of Mexico or the ocean, fifteen cents per ton.

Wharfage dues.

No. 1000. (2.) From and after the first of January, 1853, the levee dues on all steamboats which shall moor or land in any part of the port of New Orleans, shall be fixed as follows:

Ten cents per ton, if in port not over five days; and five dollars per day after said five days shall have expired. Provided that boats arriving and departing more than once in each week shall pay only seven cents per ton each trip.

Amended. See No. 1002.

No. 1001. (3.) From and after the first of January, 1853, Wharfage dues.
the levee dues on flatboats, barges, etc., fully or in part laden with produce, materials, or merchandise of any kind, shall be as follows: Flatboats, not measuring more than eighty feet, eight dollars; eighty to one hundred feet, ten dollars; one hundred feet and over, thirteen dollars. On each barge, measuring less than seventy feet, and not over twenty tons, eight dollars. On each steamboat hull, used as a barge, twenty-five dollars. On each scow, or coasting pirogue, two dollars.

(4.) That so much of all existing ordinances as are inconsistent with the provisions of this ordinance, be and are hereby repealed. Repealing clause.

City Ordinance, No. 640. Approved February 11, 1853.

No. 1002. That the ordinance regulating levee and wharfage dues, passed February 11, 1853, be so amended that the second section read thus—"Ten cents per ton if in port not over five days, and five dollars per day after said five days shall have expired." Wharfage dues on steamboats.

Provided, That boats arriving and departing more than once in each week shall pay only seven cents per ton each trip; and provided, further, that boats making three trips per week shall pay five cents per ton each trip.

City Ordinance, No. 228.

No. 1003. From and after the passage of this ordinance, the wharfage or levee dues on all the barges measuring over one hundred tons shall be twenty-five dollars. Wharfage dues on barges.

City Ordinance, No. 691.

No. 1004. From and after the passage of this ordinance all pirogues of from five to fifteen tons, trading with the city, shall be required to take out a license for such privilege, which license is hereby fixed at twenty dollars per annum; and should the owner or owners of any pirogue fail to take out such license, he or they shall pay a fine of fifty dollars. Dues on pirogues.

That all pirogues of the above dimensions, trading with the city under license, shall be properly and conspicuously numbered on both ends, under a penalty of fifty dollars. Pirogues to be numbered.

City Ordinance, No. 719.

Tow boat
wharves.

No. 1005. (1.) That the surveyor be, and is hereby authorized to cause to be repaired or fitted up, four wharves below Louisa street, in the third district, the said wharves to be destined for the accommodation of tow-boats, in laying to and making up and arranging their tows for departure.

See No. 1018 and 1019.

Not to use other
wharves.

No. 1006. (2.) That after the said wharves shall have been so prepared, vessels employed as towboats to and from the sea, shall not be permitted to use any other wharves or portion of the harbor of New Orleans, for the purpose of making up tows, unless by express permission of the harbor master of the district where other wharves than those specially assigned to them may be so used.

Sec. 3, repealed. See No. 1008.

Tow boats viola-
ting ordinance.

1007. (4.) That every towboat found in contravention with the above provisions, shall be liable to a fine of fifty dollars, and that it shall be the duty of the collectors of levee dues in the several districts, to report by name to the city comptroller, in the month of January of each year, and from time to time, as occasion may require, every boat employed as aforesaid in the towage of vessels to and from the sea, and also report to the city attorney every case of contravention with the above provisions.

City Ordinance, No. 549.

Office of collector abolished by city ordinance, No. 2420.

Repealing certain
ordinances.

No. 1008. (1.) That the third section of ordinance No. 549, relating to towboats, be, and the same is hereby repealed.

Tax on tow boats.

No. 1009. (2.) From and after the first day of January next, every boat employed in the towage of vessels to and from the sea, shall be subject to a tax of one hundred and fifty dollars per annum, to be paid into the city treasury by the owner or owners thereof, under a license given by the comptroller, and mentioning the name of the boat so licensed.

City Ordinance, No. 878. Enacted 30th May, 1853.

Boats laying up.

No. 1010. That the wharfmaster of the fourth district be authorized to allow steamboats laying up for repairs during the summer months, to occupy such wharves as may not be required for shipping, at the following rates of wharfage :

For thirty days' use of wharf, or under.....	\$2 00 per day.
For sixty " " " "	..... 1 50 per day.
For ninety " " " "	..... 1 00 per day.

City Ordinance, No. 2272.

No. 1011. That from and after the first day of November, 1853, all owner or owners of flatboats, breaking up the same for making cord wood, plank or otherwise, within the incorporated limits of the city of New Orleans, shall pay a wharfage tax of four dollars each on every one so broken; and on every log or tree brought down by raft or otherwise, to be sawed or cut up for cord wood, timber, plank or shingle, a wharfage tax of ten cents per log or tree; and all persons refusing to pay over to the collector of said tax the amount specified in this resolution, shall be immediately sued for the same, and also be subject to pay a fine of ten dollars for each flatboat or raft so broken up for said use, to be recovered before any court of competent jurisdiction.

Flat boats breaking up.

City Ordinance, No. 1178.

No. 1012. That ordinance No. 68, approved June 2, 1852, entitled, "An ordinance to provide for the collection of levee dues," be, and the same is hereby repealed.

To repeal certain ordinances.

City Ordinance, No. 2420.

The port of the fourth district shall be divided as follows :

Flatboat landing.

No. 1013. (1.) All that part between First and Sixth streets for flatboats, to load and unload their cargoes, except such wharves as in the judgment of the harbor master may be impracticable for such purposes.

No. 1014. (2.) That such wharves between Second and Sixth streets as can not be used for loading and unloading flatboats, may be appropriated to the use of ships and steamboats.

Ships and steamboats.

No. 1015. (3.) The balance of the port, from Sixth street to the upper line of the fourth district, shall be used for breaking up flatboats, and no person or persons shall be permitted to break up any flatboats or other boats in any other part of the port under a penalty of fifty dollars for each and every offense, recoverable before any court of competent jurisdiction, for the use of the city.

Breaking up flatboats.

No. 1016. (4.) All flatboats, keelboats or barges, laden in whole or in part with the following designated articles, shall, in future, land and discharge their cargoes within the limits of the third and fourth districts, set apart for such purposes, viz: cotton, hay, grain in the ear, apples, potatoes, lumber, hoop poles, staves and mixed hay grain in cargoes for trading purposes. Boats otherwise loaded may land as heretofore, in the respective districts.

Flatboat, etc., landing.

City Ordinance, No. 661. Approved March 5, 1853.

See Flatboat Basin p. 110.

Steamship land-
ing.

No. 1017. That resolution No. 899, authorizing the surveyor to prepare wharf No. 1, in the first district, for the accommodation of steamships be, and the same is hereby repealed.

That the surveyor be, and he is hereby empowered to prepare and connect wharves Nos. 2 and 3, in the first district, for the accommodation of steamships.

City Ordinance, No. 1102.

Extension of
steamboat land-
ing.

No. 1018. (1.) That the steamboat landing of the second district be, and the same is hereby extended so as to include all that portion of the landing of said district lying below said steamboat landing and Jefferson street, and from thence to the steamship wharves of the said district, shall be a landing for schooners bringing sugar.

Amended. See No. 1021.

Schooner landing

No. 1019. (2.) That the present towboat landing in the third district be, and the same is hereby set apart for and declared to be a landing for schooners.

Towboat landing.

No. 1020. (3.) That the three wharves for the accommodation of towboats be built under the contracts to be sold for building and repairing the wharves, to be located below Independence street.

(4.) That this resolution shall go into effect as soon as said towboat wharves shall be completed.

City Ordinance, No. 1588. Approved June 23, 1854.

Amending No.
1018.

No. 1021. That ordinance No. 1588, passed June 24, 1854, providing for the removal of the Picayune Pier from the second district be, and the same is hereby repealed.

City Ordinance, No. 1843.

Schooner and
steamboat land-
ing.

No. 1022. That the present landing of sea-going schooners, except coasters to Barataria, Attakapas and Calcasieu (commonly called lower Picayune Pier) be removed to its former place, say opposite the meat market, between St. Ann and Dumaine streets, and that the landing of steamboats and coasters be extended to the foot of Jefferson street.

City Ordinance, No. 1977.

Whereas, The regular steam packets between this port and Natchez, Vicksburg, Lake Providence, Princeton and Memphis, have hitherto been much inconvenienced, and have sustained great loss of time and money by the uncertain and limited accommodations of levee room, in the discharge of their cargoes, and

Whereas, By the encroachments upon the levee by the sale of batture property of the past season, by which it has been greatly curtailed, much fear is apprehended by the proprietors of the

aforsaid packets, that the difficulty of obtaining such landing and levee room as will insure the discharge of the cargoes, will be much increased, and

Whereas, In consequence of the large amount of wharfage paid weekly and semi-monthly by the packets for nearly the entire year, all reasonable and proper facilities should be granted them ; therefore, be it,

No. 1023. *Resolved*, That from and after the first of September next, until the first of March, three hundred feet front of the wharf immediately adjoining and below the steamship landing, in the first district, be appropriated exclusively for the use of the aforsaid regular cotton packets, and that the wharf-master of the first district be authorized to protect the boats in the rights and privileges granted in this resolution.

City Ordinance, No. 1125. Approved July 28, 1853.

No. 1024. That as soon as the new nuisance wharf of the second and third districts shall be built, the wharf in front of Jackson square, near St. Ann street, be, and the same is hereby appropriated to the use of pirogues and other small craft.

City Ordinance, No. 898.

No. 1025. That permission be, and the same is hereby, given to Messrs. Snow, Gliddon & Co., to occupy, for a dry dock, one thousand feet of the levee of the third district, (commencing at the centre of the property formerly belonging to M. Andress, and extending downward,) for the space of ten years from the date of the approval of this resolution; on condition that said Snow, Gliddon & Co. shall annually pay into the city treasury the sum of one hundred dollars, and shall keep the levee in front of said dry dock in constant good repair to the satisfaction of the surveyor.

City Ordinance, No. 665.

No. 1026. That a space of two hundred feet, commencing at the upper line of the city, and from thence running downwards, be set aside as a steamboat landing, for the landing of stock, etc., and to be called "The upper steamboat landing."*

Lafayette Ordinance, 1841, page 115.

*It was thought that no new ordinance could be framed from the old ordinances relative to the several landings of different vessels, and the rules governing them and the port, without affecting the rights of the purchasers of the wharf contracts; and the old ordinances of the several corporations are entirely too numerous, vague and contradictory for insertion in this work. We can here merely indicate the works in which they may be found.—See Warfield's Digest of Ordinances, page 110 and 111; Southmayd's Digest of Ordinances, page 370; Collens and Morel's Digest of Ordinances, page 149; Lafayette Ordinances, page 44 and 49; Ordinances of Second Municipality, No. 2553.

NUISANCE WHARVES AND BOATS.

No. 1027. (These ordinances could not be incorporated in this work—they are Nos. 49, 242, 359, 822, 921, 1109, 1182, 1389, 1501, 1542, 2267, 2598, 2660, at the City Hall.)

Schooners.

No. 1028. All licensed schooners, or other craft trading exclusively on the Mississippi river, and which may moor to the wharves of the city of New Orleans, shall not remain at the wharves of said city longer than eight days, after which time, when ordered off by the wharfingers, they shall in case of refusal to obey, be liable to a penalty of five dollars per day, for each and every day they may remain after having been ordered off as aforesaid, said penalty recoverable before any court of competent jurisdiction.

City Ordinance, No. 2229.

Vehicles on wharves.

No. 1029. From and after the passage of this ordinance, no cart, dray, or other vehicle shall remain idly on the wooden part of any of the wharves of the city, under a penalty of five dollars for each offense; and it shall be the duty of the wharfingers to order off from said wooden parts of any of the wharves, all or any idle cart, dray or other vehicle encumbering said wharves; and should the person or persons thus ordered refuse to obey, the said wharfinger, shall cause to be arrested the person or persons thus contravening, and fined as aforementioned, which fine shall be recoverable before any court of competent jurisdiction, for the use of the city.

City Ordinance, No. 2577.

See "Pounds," p. 207, and "Vehicles," p. 311.

Salt on levee.

No. 1030. Under the direction of the wharfingers, the article of salt may be, and the same is hereby, permitted to remain on the Levee in such places between the wharves as said wharfingers may designate, for a period of not more than fifteen days, under a penalty of not less than twenty-five dollars, nor more than one hundred dollars per day for every day thereafter it so remains, recoverable before any court of competent jurisdiction.

City Ordinance, No. 490.

See "Pounds," p. 207, and No. 962.

Whereas, by a resolution of the late first municipality council adopted at their sitting of 17th July, 1851, permission was granted to the U. S. Mail Line Steamship Company to discharge and

land coal on the levee for the use of said steamers; And whereas, the large quantity of coal constantly deposited under this permission proving seriously detrimental to the levee and to the injury of the contractors for keeping in repair the levee and wharves, and is beyond what was contemplated, be it therefore,

1031. *Resolved*, That the permission granted to the U. S. Mail Steamship Company to discharge and land coal on the levee for the use of said steamers be, and the same is hereby, so modified that no greater quantity of coal shall at any one time be landed on the levee than may be considered by the city surveyor safe for the levee to bear, said U. S. Mail Steamship Company being also bound to make good all injuries arising from said deposit of coal; and any infraction of this resolution shall be deemed sufficient cause to annul the permission so granted to said U. S. Mail Line Steamship Company.

City Ordinance, No. 309.

See "Pounds," p. 207.

No. 1032. That the use of horses for loading and unloading of vessels in the second district be, and is hereby, permitted under such regulations as the wharfinger of the district may direct.

City Ordinance, No. 713.

For "Canal" regulations, see page 32.

For Flatboats, Basin, etc., see page 110.

ACTS OF THE LEGISLATURE.

An act to amend an act entitled "An act to amend the act entitled "An act to incorporate the city of New Orleans," approved February 17, 1805, and other acts amending the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That all vessels arriving in the port of New Orleans from sea, shall be considered as having first moored within that municipality wherein they shall first have commenced discharging their cargoes, or shall have remained forty-eight hours, and the removal of any such vessels, steamboats or other crafts from one part of the port to another shall only be made in conformity to the ordinances that are now, or may hereafter be passed by the general council, and the wharfage shall be divided between the municipalities according to the ratio fixed by said ordinances.—Acts of 1840, page 49.

Vessels arriving in New Orleans considered as arriving in the municipality where they first discharge.

Removals how made.

SEC. 24. (1.) A uniform rate of wharfage to be paid by ships, steamboats and other water crafts mooring or landing in front of all parts of the city: Provided, that the said rate of wharfage shall be a fixed sum for each and every entire day that the said ships, steamboats, and other water crafts, remain in the said port.—Acts of 1850, p. 165.

An act to amend the fifth section of an act entitled "An act to amend the several acts to incorporate the city of New Orleans," and for other purposes, approved March 9, 1827.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That it shall be the duty of the city council of New Orleans so as to regulate the port as to admit ships and other sea vessels to moor along the levee, from the lower limits of the port as far up as St. Louis street; so as to admit steamboats to moor along the levee between St. Louis and Gravier streets, and to appropriate a space, in a central part of the levee, not exceeding one hundred yards, for the exclusive accommodation of packet steamboats (navigating the waters of Louisiana) arriving and departing weekly on fixed days and hours.—Acts of 1835, p. 120.

Port how to be regulated by the city council.

An act to provide for a landing for the water crafts of planters, bringing vegetables to market at New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That one third of the space now granted by the city council of New Orleans for the landing of the water craft of butchers, of pirogues bringing vegetables, and of the peddlers' boats, shall hereafter be exclusively appropriated for the landing of water craft of planters bringing vegetables to the market of New Orleans, and that it shall be the duty of said city council to pass an ordinance to insure to the said water craft of planters the exclusive use of the space to them granted by this act.—Acts of 1830, page 88.

DECISIONS OF SUPREME COURT.

1.—The erection of wharves before the city of New Orleans and its suburbs, at such places as commerce may require, is a legitimate exercise of municipal power.—6 R. R. 349.

2.—The corporation have the power to prescribe what portion of the port shall be appropriated to particular craft and for what length of time they may remain; and if they exceed such time, to consider them as nuisances, and cut them adrift or otherwise remove them.

3.—The ordinances of the second municipality of 1842, imposing a wharfage charge on all packages landed in or shipped from the limits of the municipality, do not conflict with the provisions of the United States Constitution, which give Congress the exclusive power to regulate commerce.—9. R. R. 324.

4.—The corporation is authorized to establish by ordinance a uniform rate of wharfage, to be paid by ships, steamers and other vessels, moored in front of any part of the city.—2 Ann. 538.

5.—The authority to impose a wharfage, or charge on vessels moored in the port of New Orleans, to defray the expenses of the erection and maintenance of wharves and other works necessary for the loading and unloading of vessels, etc., is not inconsistent with any law

of the State, or of the United States, nor with the Constitution of the United States.—2. Ann. 538.

6.—So much of a quay as is necessary for the public use of loading and unloading vessels is public, and not susceptible of private ownership, but the rest may be private property. The word quay means the levee on the bank of the river, and the shore between the exterior of the levee and the water.—5 La. 132.

For other decisions, see “Batture,” page 18; “New Orleans,” p. 165; “Streets,” page 292.

WEIGHTS AND MEASURES—INSPECTION OF.

ACTS OF THE LEGISLATURE.

An act relative to the inspection of Weights and Measures.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened,* That the Governor, at the expense of the State, shall procure or cause to be procured, one complete set of copper weights, to correspond with weights of their like denomination used by the revenue officers of the United States, in their offices, together with scales for said weights, and a stamp or seal, with such device as the Governor may deem proper; as also one complete set of measures, calculated for dry, liquid and long measures, of the same capacity, and length as those of their like denomination used by such revenue officers aforesaid; which set of weights and measures together with the scales and stamps, shall be deposited in the office of the secretary of State, to serve as a general standard of weights and measures in this State.

Register to make out said list for past year as soon as possible.

SEC. 2. That it shall be the duty of the Governor to nominate and by and with the advice and consent of the senate, appoint for each of the four districts of the city of New Orleans, a suitable person as a sealer of weights and measures, and he shall appoint in like manner, a person in each of the respective parishes of this State, each of whom shall hold the office for the term of two years.

Sealers of weights and measures, how appointed.

SEC. 3. That it shall be the duty of the person thus appointed, to visit all places of business, in their district or parish for which they are appointed, once in each year, and at any other time when on complaint or by request, their services may be required, and to inspect all weights and measures used in the places of business, and when found to correspond with the standard of the State, to seal them or to give a written certificate of their correctness; but when found to disagree with the the standard of the State, the inspector shall forbid their further use, until they shall have been corrected, approved and sealed. It shall also be the duty of the inspectors to attend upon all calls made upon them for performing the duties of their office.

Term of office.

Duty of inspectors.

Penalty incurred by inspectors by neglecting certain duties.

SEC. 4. That it shall be the duty of each inspector to see that no other weights and measures but those established by law, be made use of within the limits of this State, and in case of negligence or breach on the part of the inspector, he shall be condemned to pay a fine not exceeding two hundred nor less than one hundred dollars. The common council of New Orleans are authorized to pass regulations or ordinances relative to the police of weights and measures, to insure within the city of New Orleans the execution of this law.

Regulations to be passed by common council.

Weights and measures for each parish.

SEC. 5. That each parish, as soon as practicable, shall be provided at the expense of such parish, with a set of weights and measures, and a stamp conformable to those hereinbefore set forth, the same to be kept by the parish recorder.

Inspectors in N. Orleans to procure weights and measures at expense of the city.

SEC. 6. That the inspectors for the four districts of the city of New Orleans shall procure a set of weights and measures at the expense of the city.

SEC. 7. That the appointed sealer of weights and measures shall be entitled to and receive the following fees :

Fees.

For each yearly visit and inspection of a full set of steelyards, or of scales with their weights, or of balances with their weights, or of a bushel measure and its parts, or of a gallon measure and its parts, or a set of yard-sticks, they shall receive twenty-five cents, and no more ; for sealing each weight and measure, five cents ; for the examination of each platform scale, cotton and tobacco scale, and its apparatus, fifty cents, and for sealing the same fifty cents ; the fees in all cases to be paid by the owners of the weights and measures inspected and sealed. The stamp shall be impressed, and payment required for doing the same only on such as have not been stamped, or such as having once been stamped are found so defective as to require to be regulated with the standard.

Vacancies, how filled.

SEC. 8. That in case of vacancy by death or resignation, the Governor shall have power to appoint.

Inspectors power to stamp weights and measures.

SEC. 9. That the inspectors only shall have the power to stamp the weights and measures, and upon the stamp shall be the initials of the inspector's name.

Penalty for buying or selling by any other standard.

SEC. 10. That no person shall buy or sell any commodity whatsoever, by weight or measure, which does not correspond with the aforesaid standard, or are not stamped after the said parishes have procured the standard of weights and measures as aforesaid ; nor shall keep any such weights or measures for the purpose of buying or selling thereby, under the penalty of fifty dollars for each offense ; besides the forfeiture of the weights and measures found to be false, and of a fine of ten dollars when the weights and measures shall be found to be just though not stamped ; said fine to be recovered before any tribunal of competent jurisdiction ; one-half to the benefit of the informer, and the other half to the parish in which the offender resides ; all weights and measures seized shall be forfeited for the benefit of the stamper, who shall not return them into circulation until he has made them conformable to his standard.

SEC. 11. That whoever shall make, or cause to be made use of, or shall utter false stamps or seals, shall, on conviction thereof, be subjected to all the pains and penalties of forgery under the laws of this State. Penalty for using false stamps or seals.

SEC. 12. That it is forbidden to sell or cause to be sold, measures and weights unless they have been tried and stamped, by persons appointed for that purpose, under the penalties imposed by the second preceding section. Penalty for selling unstamped measures and weights.

SEC. 13. That the person appointed to inspect and seal weights and measures, may employ assistance when necessary, at their own expense, but shall not commit their functions to a substitute without being subject to dismissal from office by the Governor. What assistance inspectors may employ.

SEC. 14. That there shall be in this State, a dry measure, to be known under the name of barrel, which shall contain three and a quarter bushels, according to the American standard, and shall be divided into half and quarter barrels. Barrel, half and quarter barrel.

SEC. 15. That coal shall be sold by the barrel or bushel measure; grain shall be sold by the barrel, bushel or weight; the legal weight of a bushel of wheat shall be sixty pounds; of a bushel of corn fifty-six pounds; of a bushel of oats thirty-two pounds; of a bushel of barley thirty-two pounds, and of a bushel of rye thirty-two pounds. Coal, by what measure sold. Grain, how sold. Legal weight of a bushel.

SEC. 16. That it shall be the duty of each inspector, in the city of New Orleans, to make quarterly returns under oath, to the treasurer of the State, of all the moneys collected for fines, together with a written statement thereof. Return to be made quarterly by inspectors to the State treasurer.

SEC. 17. That all laws contrary to the provisions of this act, and all laws on the same subject-matter, except what is contained in the Civil Code or Code of Practice, be repealed,—Acts of 1855, page 360. Certain laws repealed.

WOODEN BUILDINGS—See "BUILDINGS," page 30.

WORK-HOUSE, PRISONS, ETC.

No. 1033. (1.) From and after the passage of this ordinance the police jail of the second district shall be the police jail for the whole city of New Orleans, and all the commitments made by the recorders of the several districts shall be to said jail, and that the power of release shall be vested in the recorder who shall have made the commitment. City police jail.

No. 1034. (2.) That the offices of keepers of the police jails of the first, third and fourth districts be, and they are hereby abolished. And the chief of police be and he is hereby directed Certain offices abolished.

to have all persons now in the police jails of the first, third and fourth districts, removed to the jail of the second district.

First district
lock up.

No. 1035. (3.) That the building now used as a police jail of the first district be, and the same is hereby appropriated as an additional lock-up for said district. And all ordinances or parts of ordinances contrary to the provisions of this ordinance be, and they are hereby repealed.

City Ordinance, No. 1621.

Warden and de-
puty warden.

No. 1036. (1.) From and after the passage of this ordinance, and annually thereafter, the common council shall elect one warden and one deputy warden of the city work-house and prison, to take office on the first day of May.

Duty of warden.

No. 1037. (2.) It shall be the duty of the principal warden of the work-house and prison to keep in secure custody all the prisoners committed to the work-house and prison, according to law; to superintend their labor and employment; to keep a register of all the prisoners, and a list of all the tools and property committed to his charge for the use of the prisoners, or manufactured by them, and to carry into effect all ordinances of this council relative to the custody, feeding, employment and discipline of the prisoners.

His reports.

No. 1038. (3.) He shall furnish a quarterly statement of all expenses incurred, the amount of sales, of fees, etc., collected; together with a statement of the number of persons committed, their ages, occupations, places of birth, and if citizens. Also, a monthly account to the council of all expenses for prisoners' clothing and material; and, for the faithful performance of his duties he shall furnish security in the sum of five thousand dollars.

Duty of deputy
warden, etc.

No. 1039. (4.) It shall be the duty of the deputy warden to assist the principal warden in the discharge of his duties, and obey his directions, and shall furnish security in the sum of one thousand dollars.

Wardens officers.

No. 1040. (5.) The principal warden shall have power to appoint one clerk, eight under-wardens and two night-watchmen, subject to the approval of the board of aldermen, and whose duties shall be defined by the committees on prisons and court houses of the council and the principal warden, and who shall furnish security in the sum of five hundred dollars.

Amended. See No. 1053.

No. 1041. (6.) The salaries of the officers shall be as follows: Salaries.

Principal warden.....	\$1500	per annum.
Deputy warden.....	900	"
Clerk "	700	"
Under wardens, each.....	600	"
Night watch, each.,.....	540	"

Amended. See No. 1054.

No. 1042. (7.) It shall be the duty of the principal warden, Neglect of duty.
in case of dereliction of duty, on the part of any of the officers of said work-house and prison, to suspend such officer or officers from duty, and at once report such suspension with the causes, to the chairman of the committee on prisons and court-houses of this council, who shall examine said charges, and report to the common council.

No. 1043. (8.) The principal warden shall make out an estimate, monthly, for the supplies necessary, and shall ask an appropriation from the council for the settlement of all bills monthly, upon a warrant from the comptroller, which shall be referred to the council. Supplies.

No. 1044. (9.) It shall be the duty of the principal warden to have the cannon regularly fired in the yard of the work-house and prison, according to the ordinance regulating the hour at which slaves or blacks may be upon the streets. Cannon to be fired.

No. 1045. (10.) The rate for keeping vagrants sent from the parish of Jefferson (not including the fourth district) shall be twenty-five cents per day for each person. Vagrants from the parish of Jefferson.

No. 1046. (11.) That the committees on prisons and court-houses of this council be authorized to furnish rules and regulations for the government of the officers of the work-house and prison, as well as rules as to the time which shall be devoted to labor by the prisoners.

City Ordinance, No. 351. Approved Nov. 5, 1852.

No. 1047. (1.) From and after the passage of this ordinance, it shall be the duty of the clerks of the recorders of their respective districts, to make out and furnish, once a week, to the committee on work-house and prisons, a correct list of all persons committed to the city work-house by the recorders of the several districts, stating what time sent to the work-house, and for what length of time committed, their name, etc. Report of commitments.

No. 1048. (2.) That the warden of the city work-house be, and he is hereby required to make a correct report of all prisoners Wardens report.

received at the work-house of their several districts, once a week, to be checked and balanced with the report of the recorder's clerk, giving the name and the time committed, and when discharged.

Provisions.

No. 1049. (3.) Hereafter the account of provision used for the subsistence of prisoners in the city work-house shall be provided for in the same manner as now is provided for in the commissary of subsistence department of the United States Army, supplying rations for troops, etc., for each prisoner committed to the work-house, and it shall be the duty to keep a correct account of rations served out per day, and report the total amount of prisoners entitled to rations from week to week, stating total amount of rations consumed by said prisoners.

Requisitions.

No. 1050. (4.) From and after the passage of this ordinance, all requisitions made by the warden of the work-house for materials or for provision for the use of the work-house, shall be made by the consent of the committee on work-houses and prisons, who shall alone purchase, or authorize to be purchased, such supplies as may be necessary, and also to check and examine all accounts and bills for provisions purchased, and report to the council the appropriation that may be required for the payment of such bills monthly.

Wardens accounts.

No. 1051. (5.) It shall be the duty of the warden of the work-house to keep a correct account of all old articles, viz: engines, hose carriages, hose, furniture, etc., sent to or received in the work-house; he shall also keep, or cause to be kept, a book containing a list of all such articles sent, and receipt for the same when sent, and on the last day of each month to make a correct report and account of such stock on hand, which shall, by the common council be ordered to be sold, and the amount of proceeds paid into the treasury of the city.

Repealing clause.

No. 1052. (6.) That all ordinances or parts of ordinances conflicting with this ordinance be, and the same is hereby repealed.

City Ordinance, No. 1608. Approved June 24, 1854.

Officers of the workhouse.

No. 1053. From and after the passage of this ordinance, the officers and employees of the city work-house shall consist of one warden, one deputy warden, six under wardens, two night watchmen, which officers shall perform all the duties now imposed upon the officers of the said work-house by existing ordinances, or those that may be hereafter passed, and it shall be the duty of the warden or deputy warden to perform the duties of clerk, which office shall be, and is hereby abolished.

That all ordinances or parts of ordinances contrary to or conflicting with this ordinance be, and they are hereby repealed,

City Ordinance, No. 2150.

No. 1054. That from and after the first day of May next, 1855, the salary of the chief warden of the city work-house be, and the same is hereby fixed at twelve hundred dollars per annum. Salary of warden.

That from and after the first day of May next, it shall be the duty of the chief warden of the city work-house to perform all the duties of clerk of the city work-house, together with the duties appertaining to his said office of chief warden.

City Ordinance, No. 2139.

No. 1055. That the captains of police of the several districts be, and are hereby allowed for the maintenance and support of prisoners in their charge, the sum of ten cents per day for each and every prisoner. The vouchers for same to be presented monthly, after having been approved by the chief of police. Charge for support of prisoners.

City Ordinance, No. 450.

No. 1056. Hereafter the wardens of the city work-house shall not be authorized to employ the prisoners confined therein in the manufacturing of furniture or other work, unless, by authority of an order from the committee on prisons and court houses of this council. Employment of prisoners.

City Ordinance, No. 399.

No. 1057. Any officer absenting himself from his post, in the employ of the city work-house without leave of the chief warden, shall lose the amount of his or their salary during said absence, except in cases of sickness, and it shall be the duty of the clerk of the city work-house, to report the same to the committee on work-house and prisons, whenever the same may occur. Officers absenting themselves.

City Ordinance, No. 2520.

No. 1058. That the city physician be, and he is hereby authorized to have removed all such vagrants and others, committed to the city work-house, who may be sick, to the charity hospital, upon the written consent of the recorders so committing said persons. Sick prisoners.

City Ordinance, No. 2615.

No. 1059. From and after the passage of this resolution, the compensation of the sheriff of the parish of Orleans, for the keeping of all prisoners in the parish prison, and for which the city Sheriffs compensation for keeping prisoners.

is liable, be, and the same is hereby fixed at twenty cents per day for each prisoner, and no more; and that the jail, or turnkey's fees on the release of each prisoner, shall not exceed twenty-five cents.

City Ordinance, No. 2875.

An Ordinance to provide for the sale of the lease of the New Orleans City Work-House.

Sale of lease of
work house.

No. 1060. (1.) *Be it ordained* that the comptroller is hereby directed to sell at public auction, after ten days' notice in the official journal, the contract for the lease of the city work-house for the term of five years from the first day of August, 1856. Said sale subject to the approval or rejection of the common council, and upon the conditions hereinafter set forth.

Price—how pay-
able.

No. 1061. (2.) That said sale shall be at so much per annum, for which the lessee shall give his notes payable monthly, and endorsed to the satisfaction of the finance committees of the common council, and further, said lessee shall enter into bond with good and solvent security, to be approved by the finance committees, in the sum of five thousand dollars for the faithful performance of all the conditions of his contract.

Lessee to take
charge, etc.

No. 1062. (3.) The lessee shall bind himself to take charge of said work-house, and conduct it at his own expense and pay the salaries of all officers provided by this ordinance, and expenses for the maintenance of prisoners, and shall keep the buildings, walls and fences in good order and condition during the whole term of the lease.

Labor of prison-
ers.

No. 1063. (4.) The labor of the prisoners shall be for the benefit of the lessee, and he shall have the right to employ said prisoners at any mechanical or other labor within the walls of the prison, but no prisoner shall be compelled to labor more than twelve hours per day.

Labor of prison-
ers.

No. 1064. (5.) No prisoner shall be compelled to labor, when in the opinion of the city physician, or the committees of work-house and prisons, that such labor would be injurious to health or dangerous to life.

Officers.

No. 1065. (6.) That the lessee shall appoint, and at all times have in charge of said work-house, one chief warden, whose duty it shall be to take charge of and supervise all of the affairs of said work-house. Also, five under wardens, who shall assist him in the performance of his duties. Also, two night watchmen, and all of said officers shall have the same police powers and be commissioned as under existing ordinances.

No. 1066. (7.) That the lessee shall neither receive nor discharge any prisoners, except upon the order of a duly authorized magistrate. Nor shall any fees or fines be collected from prisoners, except, upon the written order of such magistrate, and a true and just account shall be kept of all fees and fines collected, and at the end of each and every week the same shall be reported under oath to the comptroller and paid into the treasury of the city.

Reception and discharge of prisoners, etc.

No. 1067. (8.) That the lessee of said work-house shall receive all prisoners committed to the same by the various magistrates of the city, and faithfully guard and keep them, until discharged, by due process of law; and for each and every escape from said prison, said lessee shall be liable for a fine of twenty-five dollars, recoverable before any court of competent jurisdiction.

Keeping of prisoners.

No. 1068. (9.) That the lessee of said work-house shall furnish to the prisoners the same rations, clothes, etc., as are furnished under existing ordinances and regulations, and the same shall be of a sound and wholesome character, and at all times subject to the inspection of the committees of work-houses and prisons.

Their rations, clothes, etc.

No. 1069. (10.) That the city physician, mayor, recorders and members of the council, shall at all times have free access to the work-house, in order to ascertain if all the requirements are complied with by the lessee.

City officers to have access, etc.

No. 1070. (11.) That the common council shall have the right, in case of the neglect or refusal of the lessee to comply with the terms and conditions of this ordinance, to make good the same at his expense.

Neglect of lessee.

No. 1071. (12.) An inventory shall be made of the utensils and materials in the city work-house, at the time of the sale of the contract, and a valuation shall be made by the competent appraisers. One to be appointed by the mayor, one by the lessee, and one to be chosen by them in case of disagreement. The lessee shall receive said fixtures, materials, etc., at the valuation made as aforesaid, and at the expiration of said lease an inventory and appraisalment shall be made, and the lessee or the city, as the case may be, shall pay to the other the difference in value of said fixtures, utensils, etc., provided all fixtures, utensils, etc., now on hand not needed by the lessee, may be rejected by him, before appraisalment, the same shall be sold at public auction for the benefit of the city, and all fixtures, uten-

Utensils, materials, etc.

sils, and materials on hand at the expiration of the lease, not needed by the city, also may in a like manner be rejected, and disposed of as the lessee may seem proper.

Utensils, materials, etc.

No. 1072. (13.) All materials on hand at the time of the sale of the lease, which may be needed by the lessee to carry on said workhouse, and which may have been selected and appraised, as provided for in section twelve of this ordinance, shall be paid for in cash to the city treasurer ; and at the expiration of said lease, the city shall pay to the lessee the amount in cash at the appraisalment as aforesaid.

Record of prisoners.

No. 1073. (14.) That the lessee shall keep a true and faithful record of all prisoners committed to the said workhouse, with the name, age and nativity of each prisoner, by whom committed, date of commitment, specified time and date of release, and a copy of said record shall be made under oath, and reported to the common council on the 1st day of January of each year.

Violation of contract.

No. 1074. (15.) That a failure or refusal on the part of the lessee to comply with any of the conditions or terms of the contract, after due notice shall have been given by a resolution of the common council, within ten days after its promulgation, shall make a forfeiture of said contract, or subject the lessee to a fine of not over two hundred and fifty dollars, the same at the option of the common council.

Former police regulations.

No. 1075. (16.) That all the police regulations now in force concerning the government or disciplin of said workhouse, and not conflicting with this ordinance, shall remain in full force.

Repealing clause.

No. 1076. (17.) That all ordinances or parts of ordinances, conflicting with this ordinance, be, and the same are hereby repealed.

City Ordinance, No. 2824. Approved July 7th, 1855.

ACTS OF THE LEGISLATURE.

An act to establish Work-houses and Houses of Refuge by the several municipalities of the city of New Orleans, and for other purposes.

Work house.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the council of each municipality of the city of New Orleans be, and they are hereby authorized to establish within their respective limits, a workhouse or prison, and enact the requisite ordinances for the government of the same ; in which shall be confined and employed all persons legally committed by any magistrate authorized to commit vagrants.

House of refuge.

They shall moreover be, and they are hereby authorized to establish, within their respective limits, a house of refuge, for the detention of juvenile offenders, and there to employ them in such way as to the council may appear proper.

SEC. 2. That as soon as any of the municipalities shall erect suitable work-houses as herein before provided, the council of said municipality in which such work-house or prison be established, shall be vested with all the powers now exercised by the police jury within the limits of such municipality, as regards said work-houses, and the parish treasury shall pay on the warrant of the mayor of the city of New Orleans, to the municipalities in which said work-house or work-houses are established thirty-seven and a half cents for each of the persons detained in said work-house or work-houses for every day during which said persons are detained or imprisoned.

Powers granted to the council.

SEC. 3. That the judge of the criminal court be authorized and empowered to sentence all persons under the age of fifteen years, convicted of any crime, excepting for capital offenses, committed within either municipality where a house of refuge is established, to be confined within said house of refuge.

Confinement in the house of refuge.

SEC. 4. That all persons being able to work, and having neither profession, nor trade, nor any dwelling place, nor any visible property wherewith to maintain themselves, shall live idle, those who habitually frequent grog shops or gaming houses, or other disorderly places, or found wandering about at an unseasonable hour of the night, who are unable to show what resources they possess, or unable to produce creditable testimony of their good conduct and morals: or those who lodge in out-houses, market places, sheds or barns, or in the open air, and who shall not be able to give some account of themselves and their occupation nor be avowed by some credible person; all persons apprehended with any picklock or other instrument with probable intention feloniously to break and enter any dwelling house or other house, or with any offensive weapon with probable intent feloniously to assault any person, or who shall be found in any dwelling house, out-house, store, yard or garden, with probable intent to steal, or who shall give a false account of themselves after warning of the consequences, shall be deemed vagrants.

Vagrants.

SEC. 5. That any person charged with any of the aforesaid offenses shall upon conviction before the mayor, or recorder, or any alderman of any of the municipalities of New Orleans, be condemned to give security for their good behavior in such sum and for such time as to the said mayor, recorder, or alderman, may appear reasonable, and in case of refusal or inability to furnish the security required, said mayor, recorder, or alderman, shall thereupon be authorized to commit them to the parish jail in the city of New Orleans, or to the work-house or house of refuge aforesaid, if established by either of the municipalities in which such person may have been arrested, therein to be kept at hard labor until they furnish the security required, or for a time not exceeding thirty days.

Security required of vagrants.

Imprisonment in work hours.

SEC. 6. That any person who shall have been convicted for any of the offenses mentioned in this act, shall, upon a second conviction under the same, be deemed an incorrigible vagrant, and shall be condemned by the mayor, recorder, or alderman to give security for their good behavior in such sum and for such time as to the mayor, recorder, or

Incorrigible vagrants.

Penalty.

alderman may appear reasonable; and in case of refusal or inability to furnish the security required, said mayor, recorder, or alderman shall thereupon be authorized to condemn them to be committed to the parish jail, work-house or house of refuge aforesaid, there to be kept at hard labor until the security required, be furnished, or for a time not exceeding one year: Provided that nothing herein contained may be construed to deprive any person of the trial by jury when it may be prayed for.

Powers of the criminal courts.

SEC. 7. That in any case where a person committed under this act shall claim a trial by jury, it shall be lawful for the criminal court of the first district to take cognizance of the same and to afford a trial as provided by law for other criminal offenses, but nothing in this act shall be construed as meaning that any such person shall be released in the mean time from commitment in the work-house, prison, or house of refuge aforesaid, until acquitted by the jury, or until the expiration of the term of commitment.

Bonds required to guarantee departure from the State.

SEC. 8. That in all cases where any person may be sentenced to punishment under this act, the mayor, or either of the recorders shall have power to discharge the person, so sentenced, from punishment in case of conviction, on such person giving bond with one or more good and sufficient sureties, in a sum to be fixed by the mayor, or either of the recorders aforesaid, according to the nature of the case, conditioned that the person so sentenced will depart and remain out of the State, until he shall have procured the means of subsistence; provided, however, that such sureties shall only be responsible in case such person shall not depart out of the State within the time specified in said bond; and in case the person so convicted and sentenced as aforesaid, shall be found at large within the State after the time mentioned in said bond for departing the State, such person shall be liable to his former sentence, and moreover to one year's imprisonment at hard labor in addition thereto.

The present act to apply to Jefferson parish.

SEC. 9. That all the provisions of this act shall apply to the parish of Jefferson; that the powers vested thereby, in the mayor, recorder and aldermen, are hereby conferred upon the parish judge of the parish of Jefferson, the judge of the city court of Lafayette, the president of the board of council of said city and the several justices of the peace of the parish of Jefferson; Provided, however, that nothing herein shall be construed so as to bind the police jury of the parish of Jefferson, or the board of council of the city of Lafayette, to construct work-houses, and that said bodies shall have a right to use, until they have constructed such work-houses, either their parish jail or one of the work-houses of the parish of Orleans, on the paying their pro rata proportion of the expense incurred by the reception of vagrants, sent from the said parish of Jefferson, to be determined by the council of the municipality to whose work-house they shall have been sent.

Repeal.

SEC. 10. That all laws and parts of laws now in force and contrary to the provisions of the present act be, and the same are hereby repealed.—Acts of 1840, p. 46.

APPENDIX.



*APPENDIX.

CANALS AND BASINS.

An Ordinance; regulating the Draining and Hauling of Timber, etc., out of Bayou St. John.

No. 1077. (1.) From and after the passage of this ordinance it shall not be lawful for any person to haul or draw out of the bayou St. John across or over the protection levees, built by the city along said bayou, any lumber or timber whatsoever, except as hereinafter provided, under the penalty of fifty dollars for each and every contravention of this section.

Lumber and timber.

No. 1078. (2.) It shall be the duty of the surveyor to designate one or more places at which timber or lumber may be hauled or drawn out of the bayou St. John. And it shall be the duty of all persons desiring to haul or draw timber or lumber out of said bayou, to cause to be made and build good substantial slides, with proper recess at the places so designated, upon which such timber, etc., may be drawn or hauled without injury to the levee or road, said slides to be built under the supervision of the surveyor. Any person violating the provisions of this section shall be fined fifty dollars, and further, the sum of five dollars per day for each and every day such persons shall fail to comply with the direction of the surveyor.

Place over which to haul timber.

No. 1079. (3.) All ordinances, or parts of ordinances, contrary to the provisions of this ordinance be, and the same are hereby repealed.

Repealing clause.

City Ordinance, No. 3235. Approved Feb. 26th, 1857.

* The ordinances and laws here inserted are those that have been enacted while this work was going through the press, and some few laws omitted in the body of the work.

COMMERCE—CHAMBER OF.

ACTS OF THE LEGISLATURE.

An Act to create a Body Corporate and Politic, by the name of the
 “New Orleans Chamber of Commerce.”

Whereas a large number of the merchants of the city of New Orleans have petitioned that a charter be granted them, creating a chamber of commerce; and have set forth that such an institution is much required by the mercantile community, as tending to diminish litigation and to establish uniform and equitable charges; and considering that the establishment of a chamber of commerce may thus tend to the general advantage of the citizens of the State, as well as to the furtherance of the commercial interest;

Be it therefore enacted, by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That Thomas Urquhart, S. J. Peters, H. C. Cammack, A. Quertier, J. A. Merle, F. Frey, C. Adams, Jr., H. F. McKenna, Thos. Barrett, E. J. Forstall, Jacob Willcox, W. H. Avery, A. Fisk, John B. Byrne, J. H. Field, J. E. Whitall, W. G. Hewes, J. U. Lavillebeuvre, George Wilbor, A. H. Wallace, Thomas Sloo, Jr., Charles de Blanc, Noah H. Allen, Glendy Burke, M. S. Cucullu, Thomas Dance, F. Perret, John N. Niven, A. Rivarde, Theo. Nicolet, John Garnier, Wm. Bullitt, Nat. Cox, Edward Yorke, W. L. Robeson, James Dick, James P. Freret, Wm. L. Hodge, Thomas Toby, H. C. Cruger, George Green, W. C. Bowers, Chandler White, J. O. Williams, E. W. Gregory, Peter Laidlaw, R. G. L. Depeyster, Samuel Thompson, W. Bogart, W. A. Gasquet, S. W. Oakey, Charles Gardiner, James Foster, Jr., Thomas Dixon, John Parker, D. G. Borduzat, G. W. White, Jules Le Blanc, A. L. M. Damarin, Wm. C. Mylne, V. Durel, M. Morgan, M. Lizardi, merchants of the city of New Orleans, their associates and their successors, be, and they are hereby declared to be a body corporate and politic by the name of the “New Orleans Chamber of Commerce.”

SEC. 2. That this act of incorporation shall be in force for and during the space of twenty years from the passage thereof.—Acts of 1834, p. 52.

An Act to Re-charter the New Orleans Chamber of Commerce.

Preamble.

Whereas, the charter of the New Orleans Chamber of Commerce will expire on the twenty-sixth February, eighteen hundred and fifty-four; And whereas, at its sitting in the city of New Orleans on the fourteenth February, eighteen hundred and fifty-three, the following resolution was unanimously adopted, viz:

Resolved, That the president be requested to apply to the legislature of the State of Louisiana, now in session, for a renewal of the charter of this chamber; and considering the usefulness of the institution in diminishing litigation, and establishing and maintaining uniform and equitable charges, advantageous both to the citizens of this State, and beneficial in promoting the commercial interest of New Orleans:

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That the present members of the aforesaid New Orleans Chamber of Commerce, viz :

New Orleans
chamber of com-
merce incorpora-
ted.

J. O. Woodruff, President; Charles Briggs, First Vice-President; J. M. Lapeyre, Second Vice-President; Chs. J. Mansoni, Secretary and Treasurer;

Geo. Arnold Holt, J. W. Carroll, W. S. Pickett, R. B. Sumner, S. H. Kennedy, Jas. Greenlief, W. H. Avery, J. H. Ashbridge, W. P. Atwood, B. C. Adams, Wilhelmus Bogart, J. A. Barelli, Horace Bean, A. Benachi, C. T. Buddecke, Sam'l P. Bullard, W. P. Babcock, Thos. Byrne, J. E. Caldwell, William Creevy, W. L. Cushing, Robert Conway, George Connoly, A. P. Cleveland, John P. Crotchett, James Chapman, J. A. Dougherty, Thos. J. Dix, J. J. Day, J. H. Dudley, Thos. M. Dykers, J. H. Eimer, Thos. S. Elder, J. Eager, George A. Fosdick, Cornelius Fellows, F. W. Frudenthall, John Fox, E. J. Forstall, Moses Greenwood, J. W. Giffney, Robert Geddes, Robt. A. Grinnan, A. D. Grieff, Wm. Holmes, A. Heine, J. N. Hanau, Geo. W. Houghton, David Hadden, James Hewitt, R. H. Hamilton, E. J. Hart, W. L. Jackson, L. C. Jury, W. A. Johnson, H. Judson, J. R. Jennings, R. B. Kendall, John Krutchnitt, L. Y. Lusk, J. A. Lusk, J. G. Lingham, W. L. Lanier, H. F. McKenna, R. M. McAlpin, M. Musson, P. Maxwell, J. H. McRea, J. R. Marshall, Wm. Mure, Logan McKnight, S. Nicholson, M. O. H. Norton, S. O. Nelson, S. W. Oakey, John H. Owen, S. J. Peters, sen., L. Matthews, John M. Bell, L. H. Gale, C. W. Phillips, E. H. Pomroy, W. B. Partee, Wm. Prehn, Fred. Peschier, Jas. Robb, Wm. Ricarby, J. M. Savage, J. W. Stanton, T. Stewart, Andrew Stewart, P. H. Skipwith, Thos. Sellar, G. G. Steever, Rudolph Schartz, Calvin Tate, H. Wilson, H. Williams, N. Overton, John Williams, Chas. M. Waterman, W. A. Warneken, L. D. C. Wood, J. W. Zacharie, H. G. Latting, Rob. Dyas, George N. Coke—Merchants of the city of New Orleans, their associates and their successors, be, and they are hereby declared to be a body corporate and politic, by the name of the New Orleans Chamber of Commerce.

SEC. 2. That this act of incorporation shall be, and continue in force for and during the further space of twenty years, from the twenty-sixth day of February, A. D., 1854.—Acts of 1853, page 138.

The period dur-
ing which this
act shall continue
in force.

CORPORATIONS.

ACTS OF THE LEGISLATURE.

An Act fixing the Domicile of Corporations created by any law of this State,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That every corporation organized, or which may hereafter be organized, under and by

virtue of any law of this State, shall establish its domicile at some place within the State of Louisiana, and not elsewhere.

SEC. 2. That every such corporation shall, from and after the passage of this act, hold its meetings for the transaction of business appertaining to its corporate purposes or capacity, whether of its stockholders at large, for election of officers or other purposes, or of its directors, managers, trustees, or other officers charged with the direction of its affairs, at the place of domicile of said corporation, and any such meeting held elsewhere, and any business transacted at any meeting held elsewhere shall be unlawful, and of no effect.

SEC. 3. That any acts or parts of acts contrary to the provisions of this act be, and the same are hereby, repealed.—Acts of 1857, No. 77.

See Acts of 1857, No. 226—

CURRENCY—BOARD OF.

ACTS OF THE LEGISLATURE.

An Act further defining the duties and powers of the Board of Currency.

Board of currency to demand of banks daily statement of their "movements."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That it shall be the duty of the board of currency to require of every bank which now is or may be hereafter located in the city of New Orleans, a daily statement of their "movement"—to wit: Loans on paper payable at maturity, and intended to meet the two-thirds of cash liabilities unrepresented by specie and other cash assets, circulation, deposits, and other cash liabilities.

Said statement to be entered by banks in a book, etc.

SEC. 2. That the said board of currency shall require that a like statement shall be entered daily by each bank in a book which each bank shall keep for that purpose, and to be called the "statement book."

Banks to make certain weekly returns.

SEC. 3. That the board of currency shall require from the banks aforesaid, and they shall furnish the same, a weekly return from the said daily record, to be delivered at the same time and place as the other weekly returns made to said board, which shall show the average of the record of the said "daily movement," mentioned in the foregoing sections of this act.

To be sworn to by cashier.

SEC. 4. That the documents or returns mentioned in this act shall be duly sworn to by the cashier or returning officer of the bank.—Acts of 1857, No. 103.

ELECTIONS.

ACTS OF THE LEGISLATURE.

An Act relative to Elections in the parish of Orleans.

Election precincts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly, convened,* That the election precincts in the city of New Orleans, as now established, shall be lawful

election precincts, and shall remain unchanged until the legislature shall otherwise determine.

SEC. 2. That in each and every election precinct in the city of New Orleans, as now established, there shall be two places for holding the polls, except in the seventh precinct, in which there shall be three places for holding the polls. Places for holding polls.

SEC. 3. That one of the polls in each precinct aforesaid, except the seventh, shall be known and designated as number "one," and the other as number "two," and all the voters residing in each precinct aforesaid, whose names begin with any initial letter ranging from A. to K., both inclusive, shall only be entitled to vote at poll number "one," and all the said voters whose names begin with any initial letter ranging from L. to Z., both inclusive, shall only be entitled to vote at poll number "two." How the polls shall be known.

SEC. 4. That one of the three polls in the seventh precinct shall be known and designated as poll number "one," another as poll number "two," and the third as poll number "three," and all the voters residing in said precinct whose surnames begin with any initial letter ranging from A. to G., both inclusive, shall only be entitled to vote at poll number "one," and all the said voters whose surnames begin with any initial letter ranging from H. to N., both inclusive, shall only be entitled to vote at poll number "two," and all the said voters whose surnames begin with any initial letter ranging from O. to Z., both inclusive, shall only be entitled to vote at poll number "three." Polls of seventh precinct.

SEC. 5. That the certified list of voters which the register of voters in the city of New Orleans is now required by law to furnish to the commissioners of election in each precinct, shall be subdivided by the said register into as many lists as there are polls in each precinct, and the said register shall furnish to the commissioners of election presiding at each poll in each precinct, a certified list in the manner now required by law, of all the voters entitled to vote at each poll respectively. Register to subdivide lists of votes.

SEC. 6. That a board of commissioners is hereby created in and for the parish of Orleans, to be styled "The Central Board of Commissioners," to be composed of the mayor of the city of New Orleans, the register of voters of said city, the attorney general of the State, and two citizens of New Orleans, who have resided in the State at least five years, to be appointed by the Governor; and the term of office of said citizens so appointed shall be two years, unless sooner removed; and it shall be the duty of said central board of commissioners to appoint all the commissioners of election in the parish of Orleans, to preside at any and every election held in said parish, for all State, parochial or municipal officers, or judges, members of Congress, or any officer of the United States government, or any other officer whose election devolves upon the people. Board of commissioners to appoint election commissioners.

SEC. 7. That the attorney general shall be *ex-officio* president of the said board, and one of its members shall be secretary thereof, to be appointed by the said board, and a majority of the members of said board shall constitute a quorum for the transaction of business; and they are hereby authorized to adopt such by-laws and rules as to them President and secretary of the board.

may seem fit; Provided, the same be consistent with the Constitution and laws of this State, and of the United States:

Commissioners of election.

SEC. 8. That it shall be the exclusive duty of the said board of commissioners, at least five days previous to any election to be held in the parish of Orleans or the city of New Orleans, to appoint three commissioners of election to preside at each poll in each precinct in the city of New Orleans, and three commissioners of election to preside at each precinct in that part of the parish of Orleans on the right bank of the Mississippi river.

Salary of certain members of the board.

SEC. 9. That the two citizens to be appointed by the Governor, members of said central board of commissioners, shall receive a yearly salary of five hundred dollars each, payable proportionately by the city of New Orleans and the police jury of the parish of Orleans, on the right bank of the river, and they shall before entering upon the discharge of their duties, take the oath prescribed by the ninetyeth article of the Constitution.

The board to designate the places for holding the polls.

SEC. 10. That it shall be the duty of said central board of commissioners to designate the places of holding the polls in the several precincts in the parish and city of New Orleans, and assign to each poll, in each precinct, the number by which it shall be designated and known, and to make, or cause to be made, the necessary arrangements at each poll, for convenient approach to the ballot-box and easy egress therefrom, and so to provide that the ballot-box during the election may be seen by the public, and so that the voter may see his ballot deposited therein.

Places for holding the polls to be published, etc.

SEC. 11. That the designation of the places holding the polls, and the numbers by which the respective polls in each precinct shall be known, shall be published by the said board, in two daily newspapers, printed in the city of New Orleans; and said publication shall be made in English and French, for ten days previous to an election, and all the expenses incurred for advertisements, and for making the necessary arrangements at the polls, shall be paid by the city of New Orleans, except that part incurred for the polls on the right bank of the Mississippi river, which shall be paid by the police jury of said right bank, and an account of said expenses signed by the president, and countersigned by the secretary of said central board of commissioners, shall be sufficient warrant to the proper officers of the city of New Orleans, and the said police jury, to pay the same; and it shall be the duty of the comptroller and treasurer of the said city to pay the said account, and also of the said police jury to pay the said account for the said right bank.

Substitutes for commissioners who fail to attend.

SEC. 12. That in case any commissioner of election, appointed by said board, shall fail to attend on the day of election, or shall refuse to act at any time after his appointment, then, and in that event, the president of the board, or in case of his absence, the register of votes, may appoint substitutes to act in the places of those so failing to attend, or refusing to act.

Oaths of commissioners.

SEC. 13. That any member of the said central board, or judge or justice of the peace, or the sheriff or any of his deputies, is hereby

authorized to administer, to any commissioner of election, the oath required by existing laws.

SEC. 14. That no grog-shop, or place where liquor is sold, shall be used as an election poll in the parish of Orleans, but the said board is hereby authorized to use for that purpose any building belonging to the city of New Orleans or parish of Orleans, or if necessary, to rent proper buildings for the occasion.

Polls not to be held in coffee houses.

SEC. 15. That the polls shall be opened at 8 o'clock, A. M., and closed at 4 o'clock, P. M.

Hours of opening and closing polls.

SEC. 16. That the Governor shall, by and with the advice and consent of the senate, appoint a discreet citizen, who has resided in the State at least four years, whose duty it shall be to superintend all elections held in the city of New Orleans, and who shall be styled the "superintendent of elections," who shall hold his office for the term of two years, unless sooner removed, and who shall receive an annual salary of three thousand dollars, payable quarterly out of the treasury, upon the warrant of the auditor of public accounts, and one-half of said salary shall constitute a debt against and be paid by the city of New Orleans in the manner hereinafter mentioned.

Superintendent of elections.

SEC. 17. That if any person in the parish of Orleans shall prevent, or attempt to prevent any voter from exercising his right of suffrage, by threat, intimidation, violence, or any other unlawful means, whether before or during election time, such person shall, on conviction thereof, be sentenced to not less than six months' nor more than three years' imprisonment, at hard labor, in the penitentiary, and shall be forever deprived of his right of suffrage. And if any persons in the parish of Orleans shall, during an election, assemble or combine together for the purpose of driving voters from the polls, or preventing or obstructing voters in coming to or returning from the polls, said person shall, upon conviction thereof, be sentenced to not less than one nor more than five years' imprisonment at hard labor in the State penitentiary, and be forever deprived of their right of suffrage. And any person or persons in the parish of Orleans who may willfully destroy or mutilate any votes that may have been deposited in the ballot box, or any election returns, tally list or lists of voters, or certificates of election, or who may steal or destroy the boxes and safes containing the same, or who shall offer or commit violence against any person or persons having lawfully charge of the same shall, on conviction thereof, be sentenced to imprisonment at hard labor for not less than five nor more than twenty years, in the penitentiary, and be forever deprived of the right of suffrage.

Threatening voters, etc.

Preventing persons from voting.

Ballots and ballot boxes.

SEC. 18. That the said superintendent shall keep his office in the city of New Orleans, and shall be entitled to four chief deputies—to be appointed by himself, and removable at his pleasure—and each of said deputies shall receive an annual salary of one thousand dollars, payable quarterly out of the treasury, on the warrant of the auditor of public accounts, one-half of which salary shall constitute a debt against and be paid by the city of New Orleans, in the manner hereinafter mentioned.

Superintendents office and deputies.

SEC. 19. That it shall be the duty of the said superintendent of elections to take charge of and superintend, under the control of the

Duty of superintendent.

central board of commissioners, and to the exclusion of all other persons, all elections held in the parish of Orleans and city of New Orleans, for officers of the general government, members of congress, judges, members of the general assembly, parish or municipal officers, and for any other officers, federal, state, parochial or municipal, whose election devolves upon the people; to prescribe and arrange the ingress to and egress from the polls; to preserve tranquillity and order during the elections; to prevent and suppress riots, tumult, violence, disorder, and any other improper practice tending to the intimidation of voters, or the disturbance of elections, and in general, to take care that all elections are so conducted that the privilege of free suffrage may be supported, and the constitutional rights of the citizens shall not be impaired or defeated by violence, tumult, intimidation, or other improper practices.

Empowered to employ any number of deputies, etc.

SEC. 20. That the said superintendent is hereby authorized and empowered to employ any number of persons the Governor may think necessary as his deputies, for such time previous to any election as the Governor may direct; and the said deputies shall be organized by said superintendent in such a manner as he may think proper and adequate for the occasion; and the said deputies, on the day of election and during their term of service, shall be subject to the order and direction of said superintendent, and obey all lawful commands issued by him.

Deputies—their oaths.

SEC. 21. That said chief deputies shall be citizens of the State, and that said superintendent, chief deputies and deputies, before entering upon their duties, shall take the oath prescribed by the nineteenth article of the Constitution.

Deputies to be commissioned, etc.

SEC. 22. That the said deputies shall be commissioned by the said superintendent, who is hereby authorized to administer the oath of office to them; and he is further authorized and empowered, with the consent of the Governor, to adopt such rules for the government and organization of said deputies as to him may seem proper; provided, the same be consistent with the constitution and laws of the United States and of this State; and the said deputies are hereby required to obey said rules and regulations, provided, the same may at any time be altered or abolished, at the pleasure of the Governor.

To appoint extraordinary deputies.

SEC. 23. That the said superintendent of elections shall have the power to appoint any number of extraordinary deputies from amongst the citizens of the parish of Orleans, to protect the approaches to the polls, keep order thereat, and secure free access to and egress from said polls; and any citizen between the age of twenty-one and fifty years refusing to perform such duty, whenever thereunto summoned, shall be subject to a fine of not less than one hundred nor more than five hundred dollars, recoverable before any court of competent jurisdiction, in the name and for the benefit of the State of Louisiana; and in default of payment thereof said citizen shall stand committed in the parish jail for a term not exceeding sixty days.

Penalty for refusing to serve.

Disturbing commissioners and voters, penalty.

SEC. 24. That if any person in the parish of Orleans shall, in breach of the peace, disturb any commissioner or clerk of elections in the discharge of his duty, or any voter in exercise of his right of suffrage, or shall prevent any voter from exercising his right of suffrage, whether

before or during election time, such person shall be forthwith arrested by the said superintendent, or any of his deputies, or extraordinary deputies, and instantly confined in the police or parish jail, and shall, upon conviction thereof, be sentenced to not less than six months nor more than three years' imprisonment at hard labor in the penitentiary, and shall be forever deprived of his right of suffrage; *Provided, however*, that any person so arrested, if a lawful voter, shall be permitted to vote before being confined.

SEC. 25. That any person wilfully resisting, or in any manner interfering with the authority of said superintendent or his deputies, or extraordinary deputies, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars, and imprisoned at hard labor for one year in the penitentiary, and it shall be the duty of the attorney general, in person, to conduct all prosecutions under this section, and said prosecutions shall be tried in preference to all other cases.

Resisting superintendent and deputies.

SEC. 26. That when any person shall be arrested on the day of the election by the said superintendent or his deputies, or extraordinary deputies, said person shall not be released from imprisonment, by bail or otherwise, until the following morning, unless it be by order of the superintendent or any of his chief deputies, or by writ of habeas corpus.

Arrests on days of election.

SEC. 27. That said superintendent shall commission his chief deputies, and their commissions shall specify their seniority of rank; and it is hereby declared that in the event of the death, resignation, absence, sickness or inability to act, from any cause whatever, the said chief deputies shall succeed to the duties and powers of the said superintendent, according to the seniority of rank expressed in their respective commissions, so that the senior chief deputy shall first succeed, and in case of his death, resignation, absence, sickness, or inability to act, the second chief deputy shall next succeed, and so on to the last; and each chief deputy thus succeeding in his turn, is hereby authorized and empowered to assume and perform all the duties of superintendent, and exercise all the powers vested in him by virtue of this act, until the vacancy of superintendent is filled, or the superintendent presents himself and resumes the duties of his office.

Superintendent and deputies.

SEC. 28. That any deputy employed by the said superintendent, except the chief and extraordinary deputies, shall be entitled to receive during the time he is in actual service, under the command and direction of the superintendent, ten dollars for each day of actual service.

Salary of deputies.

SEC. 29. That the superintendent shall keep in his office a register of the names of the persons employed by him as deputies and of the length of time each has served, and shall furnish each deputy when discharged with a certificate of his employment and the length of time he may have remained in his service, which shall be received by the auditor of public accounts as sufficient evidence upon which to audit and allow the claim of said deputy for his pay.

Register of deputies.

City of New Orleans to pay one half the expenses, etc.

SEC. 30. That one-half of the expense incurred for the purpose of carrying into effect the provisions of this act, except those otherwise provided for, shall be charged to and be paid by the city of New Orleans, and the treasurer of the State is hereby authorized and required, on the 1st day of January of each and every year, to demand of the city of New Orleans the payment of one-half of whatever appropriation may be expended for the salaries of the deputies and officers aforesaid.

Authorized to close coffee houses, etc.

SEC. 31. That the said superintendent, for the purpose of preserving order and preventing riots and tumults, is hereby authorized to cause to be closed on election days all grog-shops and bar-rooms in the city of New Orleans; and any keeper or owner of a bar-room or grog-shop in said city refusing or failing to comply with the proclamation of said superintendent, published in two newspapers in the city of New Orleans, requiring grog-shops and bar-rooms to be closed on the day of election, shall forfeit and pay a fine of two hundred dollars, recoverable before any court of competent jurisdiction, the payment of which fine shall, after judgment, be enforced by imprisonment, not exceeding sixty days.

Office expenses of board, by whom paid.

SEC. 32. That the office expenses of the central board of commissioners, not exceeding one thousand dollars, shall be paid proportionately by the city of New Orleans and the police jury of the parish of Orleans on the right bank of the river Mississippi, upon the warrant of the president of said board, as expressed in the eleventh section.

When this act to go into effect.

SEC. 33. That this act shall take effect from and after its passage, and all laws and parts of laws inconsistent herewith are hereby repealed.—Acts 1857, No. 225.

HOSPITAL—CHARITY.—See Acts of 1857, No. 255.

HOUSE OF REFUGE.

Juvenile vagrants.

No. 1080. (1.) All children found pilfering; all children found begging within the limits of the city; all children found gathering waste merchandize lost as refuse articles, unless the same be the property of their guardians, employers or parents; all children engaged in any occupation, dangerous to their morals or of a tendency to produce habits of idleness and vice; all children who are left in idleness and attend no school; all children who are left without education, and learn no honest trade

or occupation ; all children abandoned to themselves, or who are not provided for by their parents with the protection and care which the law requires, shall be deemed juvenile vagrants, and shall be brought before the mayor or recorder, or any other competent courts, and shall be disposed of according to the laws, establishing houses of juvenile delinquents and vagrants.

No. 1081. (2.) In every case when a child shall become a vagrant, or fall within the description contained in the several classes of the preceding article, in consequence of the act or neglect of the parent or guardian, such parent or guardian shall be subject to a fine of one hundred dollars for each offense, payable to the municipality within which the child shall be found delinquent, and in case the said parent or guardian shall neglect or refuse to pay said fine, he or she shall be imprisoned until said fine be paid, provided, that said imprisonment shall not exceed one month.

Punishment of
parents of juve-
nile vagrants.

No. 1082. (3.) Every commissary, policeman, watchman or other officer of any of the municipalities, whenever any violation of this ordinance shall come within or is brought to his knowledge, shall immediately arrest the offending child, parent or guardian, and bring them before the proper authority to be dealt with according to law, and every such officer wilfully neglecting or refusing, when called upon by any citizen to perform the duties herein imposed, shall be fined not less than ten, nor more than fifty dollars for each offense, recoverable at the complaint of any citizen before any competent magistrate or justice of the peace, for the benefit of the municipality in which the offense shall have been committed ; and the collection of said fine shall be enforced by imprisonment to the extent of the law.

Duty of police,
etc.

No. 1083. (4.) In all cases arising under this ordinance, whenever the intervention of any of the district courts shall be deemed necessary by the recorder or mayor, in order to enforce this ordinance or deprive an unworthy parent of the keeping or tutorship of a child, or to cause a child to be committed by a district court, to the care of the house of refuge, it shall be the duty of the attorney of the council whenever required by either of the said magistrates to institute and prosecute the necessary proceedings, or defend the case.

Duty of city at-
torney.

LEWD WOMEN.

An Ordinance concerning Lewd and Abandoned Women.

To live within
certain portion
of the city.

No. 1084. (1.) That it shall not be lawful for any woman or girl, notoriously abandoned to lewdness, to occupy, inhabit, live or sleep in any one-story house or building, or the lower floor of any house or building situated within the following limits, viz. :

In the first district—Between the river and Hercules, Circus and Rampart streets, Felicity road and Canal street.

In the second district—Between the river and Basin street, Canal and Toulouse streets, and between the river, the bayou St. John, Toulouse street, and Esplanade street.

Amended by No. 1098.

In the third district—Between Esplanade street, Elysian Fields, the river and Broad street.

In the fourth district—The river, the Carrollton railroad, the upper line of said district and Felicity road, under the penalty of not less than twenty-five dollars for each and every contravention thereof, and the further penalty of twenty-five dollars for each and every day such woman or girl shall occupy, inhabit, live, or sleep in any one-story house or building, or the lower floor of any house or building, or any room or closet on the lower floor of any house or building within the limits aforesaid, after due notice from the recorder of the district wherein such woman shall be found contravening thereto; and in default of payment of such penalty aforesaid, such woman or girl shall be imprisoned not less than thirty days.

Duty of police
and recorders.

No. 1085. (2.) That it shall be the duty of all police officers, policemen and watchmen to arrest any woman or girl found in contravention to the foregoing section, and take her before the recorder of the district wherein she be found in contravention, who shall impose upon her the penalty set forth in said section, and in default of payment thereof, shall condemn her to not less than thirty days' imprisonment; and said recorder shall further notify such woman or girl to remove from and quit the premises so occupied or inhabited by her within three days from such notification, under the penalties imposed by said section.

To pay tax and
obtain license.

No. 1086. (3.) That it shall not be lawful for any woman or girl, notoriously abandoned to lewdness, to occupy, inhabit, or live in any house, building or room situate within the limits described in the first section of this ordinance, and not in violation of, or

prohibited by the said section, without first paying in to the city treasurer the tax imposed by this ordinance, and procuring from the mayor of this city a license to inhabit or live in or occupy a house, building or room within said limits as aforesaid—nor shall it be lawful for any person to open or keep any house, building, dwelling or room within the limits of this city for the purpose of boarding or lodging lewd and abandoned women, or of renting rooms to such women, without first paying the tax hereinafter levied, and procuring from the mayor a license so to open and keep a house, etc., as aforesaid. Every person failing to comply with the provisions of this section, shall pay a fine of one hundred dollars for each and every contravention, and in default of payment shall be imprisoned not less than thirty days. One half of the fine shall be for the benefit of the informer. Provided, that nothing herein contained shall be so construed as to authorize the issuing of licenses to occupy or inhabit any one story house or building or the lower floor of any house or building situate within the limits described in the first section of this ordinance.

No. 1087. (4.) That an annual license tax of one hundred dollars be and the same is hereby levied upon each and every woman or girl notoriously abandoned to lewdness, occupying, inhabiting, or living in any house, building or room within the limits prescribed in the first section of this ordinance, but not in contravention thereof—and an annual tax of two hundred and fifty dollars upon each and every person keeping any house, room, or dwelling for the purpose of renting rooms to or boarding lewd and abandoned women, which said tax shall be payable in advance on the first day of February of each and every year. Annual tax, etc

Amended by No. 1100.

No. 1088. (5.) That the mayor of this city be, and is hereby authorized, upon the production of the receipt of the treasurer of this city, showing the payment of the tax levied by section fourth of this ordinance, to grant the license required by the third section of this ordinance. Which license shall be recorded in a book to be kept for that purpose in the mayor's office, and shall set forth the name of the party to whom granted, the number of the house or building which she intends to inhabit, occupy or live in, the name of the street, where the same is situated, and the number corresponding with that of the record in the aforesaid book. And for which license and recording, Mayor's duty as to licenses.

the party to whom it is granted shall pay one dollar and fifty cents. Said license shall expire on the thirty-first day of January.

Disturbing the
peace—penalty.

No. 1089. (6.) Any woman or girl notoriously abandoned to lewdness, who shall occasion scandal or disturb the tranquility of the neighborhood, or commit a breach of the peace, shall be fined not less than ten dollars, nor more than twenty-five dollars for the first offense, and for the second offense shall be fined not less than twenty-five dollars, and for the third offense, shall forfeit her license, and shall be dealt with as provided by the act concerning vagrants, etc.

Not to frequent
cabarets.

No. 1090. (7.) That it shall not be lawful for any lewd woman to frequent any cabaret, or coffee-house, or to drink therein, under the penalty of not less than five dollars for each and every contravention, or of being dealt with as provided by the act concerning vagrants, at the discretion of the recorder before whom she may be brought.

White women
and free women
of color not to
live together, etc.

No. 1091. (8.) That it shall not be lawful for white women and free women of color, notoriously abandoned to lewdness, to occupy, inhabit, or live in the same room, house or building; nor for any free person of color to open or keep any house, building or room, for the purpose of boarding or lodging any white woman or girl notoriously abandoned to lewdness, under the penalty of not less than twenty-five dollars for each and every contravention; in default of payment, the person so contravening shall be imprisoned not less than thirty days. One half of the fine shall be for the benefit of the informer.

Hiring rooms
and houses, etc.

No. 1092. (9.) That each and every person who shall rent or hire any house, building or room, to any woman or girl notoriously abandoned to lewdness, in contravention of this ordinance, shall pay a penalty of fifty dollars for each and every girl or woman such person shall rent or hire to as aforesaid.

Mayor, in certain
cases, to order
their removal.

No. 1093. (10.) That whenever a petition signed by three respectable citizens residing within the vicinity of any house, building or room occupied or inhabited, or frequented by one or more lewd women, shall be presented to the mayor, stating, under oath, that such house, building or room is a nuisance, and that the occupants thereof are in the habit of disturbing the peace of the neighborhood, or are in the habit of committing indecencies by the public exposure of their persons, etc., it shall be the duty of the mayor immediately to notify the owner or lessee of such house, building or room, that such report has been made, and to

order him or her to eject from the premises so occupied the persons in possession at the time of the complaint. And any person refusing or neglecting to comply therewith, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each and every month during the continuance of the nuisance complained of. And the mayor is hereby further authorized to order the occupants of the house, building or room to remove therefrom within a delay of five days, and upon said occupants failing so to do, each shall be fined not less than ten dollars a day for each and every day such occupants shall remain in violation of said order, and in case of failure or refusal to pay said fine, each occupant shall be imprisoned for a time not exceeding thirty days.

No. 1094. (11.) That all houses, buildings, dwellings, or rooms occupied or inhabited by lewd women, shall at all times be subject to the visitation of the police of this city. Police powers, etc.

No. 1095. (12.) That it shall not be lawful for any woman or girl notoriously abandoned to lewdness, to stand upon the sidewalk in front of the premises occupied by her, or at the alleyway, door or gate of such premises, nor sit upon the steps thereof in an indecent posture, nor accost, call, nor stop any person passing by, nor to walk up and down the sidewalk or banquette, nor stroll about the streets of the city indecently attired, under the penalty of not less than ten (10) dollars for each and every contravention; and in default of payment, such woman or girl shall be imprisoned not less than fifteen days. Forbidden to stand in front of their houses or sit on steps, etc.

No. 1096. (13.) That any person who shall interfere with, obstruct, or prevent any of the police of this city from enforcing the provisions of this ordinance, shall be fined not less than twenty-five dollars, and in default of payment, shall be imprisoned not less than thirty days. Opposing police.

No. 1097. (14.) That it shall be the duty of the police of this city, strictly to enforce the provisions of this ordinance, and to arrest all persons contravening against the same, under the penalty of dismissal. Police to enforce this ordinance.

No. 1098. (15.) That this ordinance shall go into effect, and be in full force from and after the first day of February next. When to go into effect.

Amended by No. 1101.

No. 1099. (16.) That all ordinances, or parts of ordinances, contrary to the provisions of this ordinance be, and the same are hereby repealed. Repealing clause.

City Ordinance, No. 3267. Approved March 10th, 1857.

An Ordinance, to amend section 4th and 5th of the ordinance No. 3267, entitled an ordinance concerning Lewd and Abandoned Women, approved March 10th, 1857.

Amending No.
1087.

No. 1100. That section fourth of the ordinance entitled "An ordinance concerning lewd and abandoned women," approved 10th March, 1857, be so amended as to make the annual tax referred to in said section, payable on the first day of April of each year, instead of the first of February, as therein provided.

Amending No.
1098.

No. 1101. That section fifteen of said ordinance be so amended as to read as follows, viz: "That this ordinance shall go into effect, and be in full force and effect from and after the first day of April, 1857."

City Ordinance, No. 3318. Approved March 27, 1857.

An Ordinance to amend first paragraph of section first of the ordinance No. 3267, entitled "An ordinance concerning Lewd and Abandoned Women," approved March 10th, 1857.

Amending No.
1084.

No. 1102. That paragraph first, of section first, of the ordinance entitled an ordinance concerning lewd and abandoned women, approved 10th March, 1857, be so amended as to read as follows, viz:

The first district, between the river, Felicity Road, Hercules, the New Canal, Claiborne and Canal streets.

That this ordinance shall go into effect from and after its passage.

City Ordinance, No. 3320. Approved April 2nd, 1857.

NOTARIES PUBLIC.

ACTS OF THE LEGISLATURE.

An Act relative to Notaries Public in and for the parish and city of New Orleans.

After the 1st of
May, 1857, all the
present offices
vacated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That from and after the first day of May, eighteen hundred and fifty-seven, the offices of each and every notary public appointed previous to the passage of the present act shall be, and they are hereby declared to be vacated.

Governor to ap-
point certain
number of no-

SEC. 2. That the Governor shall, by and with the consent of the senate, appoint not less than forty and not more than sixty notaries

for the parish of Orleans, who besides the qualifications previously required by law, shall give bond, with one or more solvent sureties, in the sum of five thousand dollars, subscribed in favor of the Governor of the State, and conditioned as the law directs for the faithful performance of his duties; which bond shall be recorded in the office of the register of conveyances, in a special book, kept to that effect, after having been duly approved by the judge of the first district court of New Orleans.

notaries—their bond, etc.

SEC. 3. That in making the appointments above provided for, as well as in the event of the death, resignation or removal of any notary in the said parish and city of New Orleans, the Governor shall, by special order, under the seal of the State, designate the notary to whose custody shall be consigned the records of the notary or notaries so dead, resigned or removed.

The Governor to designate the particular offices, etc.

SEC. 4. That all laws or parts of laws contrary to the provisions of this act be, and the same are hereby repealed.—Acts of 1857, No. 109.

Repealing clause.

OFFENSES AND NUISANCES.

ACTS OF THE LEGISLATURE.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the one hundred and tenth section of an act entitled, "An act relative to crimes and offenses," approved March fourteenth, eighteen hundred and fifty-five, and which reads as follows: "That whoever shall, either directly or indirectly, bet, stake or hazard any money or other property or consideration, upon any election for an office of this State, or of the United States, shall, on conviction, be fined not less than the amount of money or the value of the property bet, staked or hazarded, nor more than double such amount to be paid into the treasury of the school funds of said parish," be, and the same is hereby repealed.—Acts of 1857, No. 102.

Repealing laws relative to betting on elections.

See acts of 1857, No. 55.

ORPHANS.

An Ordinance for the Relief of Orphans.

No. 1003. (1.) That the sum of fourteen dollars be, and the same is hereby appropriated annually for the maintenance and education of each orphan in the various asylums of this city and suburbs, upon the conditions hereinafter enumerated.

Annual appropriation.

Duty of president, etc., of asylums.

No. 1104. (2.) That the president and secretary, or the regular legal officers of each asylum claiming this appropriation shall, on the first day of December in each year, furnish to the comptroller of the city a full and correct statement of the number, age, and sex of each orphan inmate of their respective asylums on that day, and said statement shall be the basis of the appropriation for the ensuing year.

Asylums, on order of mayor, to receive orphans.

No. 1105. (3.) That the officers of each and every asylum claiming this appropriation shall, upon the written order of the mayor of the city, receive and maintain all orphans thus sent to them, free from any additional charge to the city. And that the comptroller, upon the certificate of the mayor that the foregoing conditions have been complied with, shall warrant on the treasurer in favor of the president of each asylum thus entitled, for the amount appropriated to each asylum, in equal quarterly payments.

Appropriations for 1857.

No. 1106. (4.) That the following amounts be, and the same are hereby appropriated to the following asylums, payable in three equal instalments, on the first day of April, on the first day of July, and on the first day of October, 1857 :

St. Mary's Male Orphan Asylum, third district,	
300 orphans.....	\$3,150 00
Female Orphan Asylum, Camp street, first district,	
245 orphans.....	2,572 50
Poydras Female Orphan Society, Jefferson, 130	
orphans.....	1,365 00
St. Joseph's German Orphan Asylum, fourth district,	
113 orphans.....	1,186 50
Orphans' Home, corner Seventh and Live Oak, fourth	
district, 111 orphans.....	1,165 50
Protestant Orphan Asylum, Jackson and Fulton,	
fourth district, 104 orphans.....	1,092 00
St. Ann Asylum, St. Mary and Prytania streets,	
fourth district, 52 orphans.....	546 00
Ladies of Providence Asylum, LaHarpe street, third	
district, 14 orphans.....	147 00

Repealing certain ordinances.

No. 1107. (5.) That all ordinances or resolutions of the late municipalities of the city of New Orleans and Lafayette, making appropriations for the support and maintenance of orphans be, and the same are hereby repealed.

PILOTS.

ACTS OF THE LEGISLATURE.

An Act relative to Pilots.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That the act entitled "An act relative to pilots," approved March fifteenth, eighteen hundred and fifty-five, be, and the same is hereby, repealed. Act of 1855 repealed.

SEC. 2. That it shall be the duty of the Governor to appoint from among the present branch pilots of the port of New Orleans, such a number of pilots as the interest of commerce may demand, and from time to time hereafter increase the same, should an increase be deemed by him important. The Governor shall appoint not more than six for the Atchafalaya bay and river, and one or more for the Sabine river. No person shall be appointed unless he be a qualified voter, and until he be examined by a board of examiners and recommended by the board as a qualified branch pilot. Governor to appoint pilots.

SEC. 3. That two boards of examiners shall be appointed by the Governor, every two years, to be composed of three persons each, to be selected from the branch pilots. One of said boards shall be for the port of New Orleans, and the other for the Atchafalaya bay and river. The Governor shall have power to fill all vacancies. Board of examiners.

SEC. 4. That every branch pilot before he takes upon himself the execution of his duties, shall give bond to the Governor of the State, with two sufficient securities, in the sum of one thousand dollars, to be approved of by the masters and wardens of the port of New Orleans or by the recorder of mortgages of the parish of St. Mary. Pilots to give bond.

SEC. 5. That every branch pilot of the port of New Orleans shall be owner or part owner of at least one decked pilot boat, of not less than thirty feet keel, and he shall keep such boat exclusively employed as a pilot boat. Every such branch pilot, not owning or employing a pilot boat as aforesaid, shall be suspended from his office by the masters or wardens of the port of New Orleans, who shall report the case to the Governor, who may withdraw the commission or license of such branch pilot, if, in his opinion, circumstances require such removal. Pilots to own pilot boats.

SEC. 6. That every branch pilot for the Atchafalaya bay and river, shall be the owner or part owner of at least one decked pilot boat, of not less than thirty feet keel and eight feet beam, and keep her exclusively employed as a pilot boat, at least from the first of October until the first of June in each year. The violation of this section shall subject the offender to fifty dollars fine for each offense. Boats of pilots of Atchafalaya.

SEC. 7. That if any person not appointed a branch pilot shall pilot any ship, or other vessel, when a branch pilot offers, he shall forfeit and pay to said branch pilot twice the amount of the pilotage paid to and earned by him. Persons piloting who are not pilots.

SEC. 8. That every person offering to pilot a ship or other vessel shall, if required, exhibit to the commander of the ship or vessel his license as branch pilot, and upon his refusing or neglecting to do so, To exhibit license.

when demanded, he shall not be entitled to any remuneration for any service he may render as pilot.

Compensation of pilots, etc.

SEC. 9. That the pilots of the port of New Orleans, shall be entitled to ask and receive pilotage at the rate of two dollars and fifty cents for every foot drawn by any ship or vessel, piloted by them, drawing ten feet of water or less, and three dollars and fifty cents for all vessels over ten and under eighteen feet of water, and four dollars and fifty cents for all vessels having eighteen feet of water and upwards. Vessels of one hundred and fifty tons and under, from Louisiana, Texas, Alabama and Florida, shall come in and go out free.

Duty of pilots.

SEC. 10. That it shall be the duty of the pilots to pilot, when required, all inward bound vessels from outside of what is commonly called "The point of the main reef" to the mouth of the Atchafalaya river, and all outward bound vessels from the said river outside of the reef; and the pilots shall be entitled to demand and receive three dollars and fifty cents per foot that any vessel may draw under eight feet; for each foot over eight feet, four dollars; the part of a foot in like proportion. All vessels refusing a pilot, other than those trading within the State of Louisiana, shall pay half pilotage, both inward and outward bound, provided they shall be spoken by a branch pilot, when inward bound, outside of the reef, and all outward bound vessels between Berwick's bay and the mouth of the Atchafalaya river.

Pilots to pilot out vessels which they brought in.

SEC. 11. That any pilot piloting any vessel safe from sea, shall have the exclusive right to pilot such vessel to sea again; provided, he gives satisfaction to the master on coming in, and be in readiness and offer his services before the vessel gets below Shell Island and the Atchafalaya river.

Pilots refusing to pilot.

SEC. 12. That whenever any branch pilot shall, when practicable, refuse or neglect to go on board of any ship or other vessel, when called by signal or otherwise, he shall lose his commission and be forever incapacitated from being commissioned as pilot, and shall moreover be liable to be fined in the sum of five hundred dollars; in default of the payment thereof, he shall suffer imprisonment for a time not less than three months nor more than six months.

Master and wardens to make rules, etc.

SEC. 13. That the masters and wardens of the port of New Orleans, with the consent of the Governor of this State, may make such rules and orders for the better government of the pilots, as they shall deem proper, and the same from time to time revoke and amend, and impose fines for contravention of such rules and regulations. The fines thus imposed shall, in no case, exceed the sum of one hundred dollars.

Coffee houses, etc., at the balize, etc.

SEC. 14. That no license shall be granted to any person to keep a tavern, grog-shop, billiard-house, or any other house of public entertainment at the Balize, the Pouth West Sass, or any other station for pilots, nor within three miles from such station, unless the person applying for such license shall be recommended in writing by a majority of the branch pilots. Any person keeping any public house, as aforesaid, at any of the places aforementioned, without a license, shall pay a fine of fifty dollars for each and every week such house shall be kept; and, moreover, be obliged to shut up or remove such public house. Nothing in this

section shall be so construed as to exonerate persons keeping public houses without licenses, from the fines or other penalties decreed by the parish regulations.

SEC. 15. That whenever any person shall take, or cause to be taken up, any anchor or cable in the river Mississippi, he shall bring or send the same to the port of New Orleans, when the same shall be deposited at such place as the master and warden of the port shall determine, and if claimed within three months, by the owners thereof or their agents, the said anchor or cable shall be restored to them, on their proving property, and paying to the person so taking up and bringing the same to the port of New Orleans, such salvage as shall be determined by the master and warden of the port. In case such anchor or cable should not be claimed within the space of three months, the same shall become the property of the person by whom it may have been taken up. Any person so neglecting or refusing to comply with the provisions of this section, shall forfeit and pay for every such offense the sum of fifty dollars.

Taking up anchor in the river, etc.

SEC. 16. That all fines, forfeitures or penalties should be sued for and recovered in the name of the master and wardens of the port, for the use and benefit of the charity hospital of New Orleans.

Fines to be for benefit of charity hospital.

SEC. 17. That the master or owner of any ship or vessel appearing in distress and in want of a pilot on the coast, shall pay unto such branch pilot, who shall have exerted himself for the preservation of such ship or vessel, such sum for extra services as the said master or owner and pilot can agree upon. In case no such agreement can be made, the master and warden, or any of them, shall determine what is a reasonable reward, which the pilot shall be entitled to collect.

Extra service from vessels in distress.

SEC. 18. That if the master of any ship or vessel coming or going out of any of the mouths of the Mississippi river, shall refuse to receive on board and employ a pilot, the master or owner of such ship or vessel, shall pay to such pilot, who shall have offered to go on board and take charge of the vessel, half pilotage.

Half pilotage to be paid in certain cases.

SEC. 19. That if any vessel going out, shall carry off to sea, through the default of the master or owner of such vessel, any pilot, when a boat is attending to receive him, the master or owner of such vessel, shall pay, besides the pilotage, the same monthly wages until he shall return to the port of New Orleans, as are allowed to the mate of such vessel: Provided, the pilot shall have performed the duties required of him by law.

Carrying pilots off to sea.

SEC. 20. That it shall be the duty of the board of examiners or the master and wardens of the port of New Orleans to report to the Governor any neglect of duty, habitual intemperance, carelessness, incompetency or any act or conduct of a branch pilot, showing that said branch pilot ought to be removed, and upon due inquiry it shall be the duty of the Governor, if such report be well founded, to revoke the commission of said branch pilot. The Governor may, in his discretion, suspend or remove any branch pilot.

Duty of wardens and board in relation to bad behaviour, etc., of pilots.

SEC. 21. That discharging ballast in the bay, shall subject the master or owner of such vessel to a fine of one hundred dollars.—Acts 1857, No. 113.

Discharging ballast in bay.

REGISTRY OF VOTERS.

Whereas, By the 126th section of the city charter it is provided, "That the common council shall fix the compensation of the services of every officer of the city, or of the State, whose said services are by law to be paid by the city of New Orleans;" and whereas, the act of the legislature creating the office of register of voters of the city of New Orleans, approved March 20, 1856, section 18th provides that the salary of said officer shall be paid by the city of New Orleans; therefore, be it—

Salary of register of voters.

No. 1108. Resolved, that from and after the first day of April, 1857, the salary of the register of voters of the city of New Orleans shall be at the rate of eighteen hundred dollars per annum, payable monthly, on the ordinary pay-roll of city officers.

City Ordinance, No. 3317. Approved March 27th, 1857.

See acts of 1857, No. 210.

REVENUE—TAXES AND LICENSES.

Tax on real estate and slaves.

No. 1109. Resolved, that a tax at the rate of thirty-seven cents on every one hundred dollars of the assessed value of all real estate and slaves, appearing on the tableaux of assessment made by the State assessors for the year 1856, and a tax of one hundred and twenty-seven cents on every one hundred dollars of the assessed value of capital, income and furniture, appearing on the tableaux of the State assessors for the year 1856, be, and the same is hereby levied to pay the ordinary expenses of the city government for the year 1857, over and above the receipt from other sources.

City Ordinance, No. 3298. Approved March 25th, 1857.

SLAVES AND FREE PERSONS OF COLOR.

Masters of vessels to pay for free colored persons, etc.

No. 1110. Resolved, that each and every master of a sea-going vessel, or steamboat, in reporting free colored persons thereon, as required by law, shall pay to the recorder one dollar

for each and every bond; and each and every free colored person recorded in the mayor's office, as required by law, shall pay one dollar for said recording, and the certificate thereof; and all of said fees shall be paid by the officers receiving them, into the city treasury, monthly, and the amount thereof reported monthly to the common council.

City Ordinance, No. 3327. Approved April 2d, 1857.

ACTS OF THE LEGISLATURE.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the passage of this act, no slave shall be emancipated in this State.—Acts of 1857, No. 69; approved March 6th, 1857.

No slave to be emancipated.

See Acts of 1857, No. 219.

See Acts of 1857, No. 265.

STREETS, ETC.

An Ordinance, concerning petitions addressed to the common council, for and against improvements to the streets, etc., in conformity with sections 119, 120, 121 of the city charter.

No. 1111. (1.) That all petitions to the common council, for improvements to be made on streets, etc., as described by sections 119, 120 and 121 of the new city charter, shall, on the first reading thereof, be referred to the city surveyor, whose duty it shall be to ascertain whether or not the number of owners of real property fronting on the street, etc., as required by said sections, are affixed to said petition for said improvement, to authorize the publication of the same.

Petitions to be referred to surveyor.

No. 1112. (2.) That should the number of owners of real property on the streets, etc., petitioned to be improved, be found affixed thereto, as required by sections 119, 120 and 121, it shall be the duty of the surveyor, upon his knowledge of the fact, to inscribe the same in a book to be kept for the purpose, and report thereon to the common council, in order that the same may be published according to law, recording in said book the date of each publication; and after the completion of the number of publications required by law, to give information to the common council, so that the necessary adjudications may be ordered or not, as the case may be.

Duty of surveyor

Certain other petitions to be referred to surveyor.

No. 1113. (3.) That all petitions objecting to improvements already petitioned for, shall also be referred to the surveyor on the first reading of the same, to be recorded and reported by him to the common council, as the nature of the fact may be upon examination of the premises, of the number of owners of real property thus objecting, with the relative bearing of the same upon the improvements petitioned for, according to sections 119, 120 and 121, of the new city charter.

Costs of publishing to be paid to comptroller.

No. 1114. (4.) That before the petitions for improvements are published, the comptroller shall demand and receive from the petitioners the costs of publishing said petition, in accordance with section 122 of the city charter.

City Ordinance, No, 3304. Approved March 27th, 1857.

See No. 103.

FOR PUBLICATION



CITY OFFICERS.

MAYOR;

CHARLES M. WATERMAN.

COMPTROLLER:

THOMAS THEARD.

TREASURER:

ADAM GIFFEN.

STREET COMMISSIONER:

AMEDEE GUYOL.

SURVEYOR:

LOUIS H. PILIE.

CITY ATTORNEY:

J. J. MICHEL.

ASSISTANT CITY ATTORNEY:

J. C. LAVILLE.

CITY PHYSICIANS.

DR. ALEXANDER HART,

DR. CHARLES DELERY.

RECORDERS.

First District,.....GERARD STITH.

Third District,.....JOS. SOLOMON.

Second District,.....G. L. FABRE.

Fourth District,.....L. ADAMS.

Finance Committees.

BOARD OF ALDERMEN:

L. H. PLACE, Chairman,
AUG. MONTGOMERY,

J. B. GOURDAIN,
B. S. HARRISON.

BOARD OF ASSISTANT ALDERMEN:

N. E. BAILEY, Chairman,
W. C. RAYMOND,

J. B. OLIVER,
JOHN E. HOLLAND.

SECRETARIES OF THE MAYOR:

J. B. WALTON,

JULES CASSARD.

SECRETARIES OF THE COMMON COUNCIL.

Board of Aldermen: CHARLES CLAIBORNE. Board of Assistant Aldermen: J. A. HOPKINS.

BOARD OF COMMISSIONERS OF THE CONSOLIDATED DEBT.

CHARLES M. WATERMAN, Mayor,.....President.

L. H. PLACE, Chairmen Finance Committee,.....Vice President.

T. THEARD, Comptroller.

ADAM GIFFEN, Treasurer.

N. E. BAILEY, Chairman Finance Committee, Board Assist. Aldermen.

OVIDE DeBUYS, Secretary.

BOARD OF CITY ASSESSORS.

MARK WALTON, 3d Assessment District, President.

ARTEMON HILL,.....1st Assessment District. E. CHARBONNET,.....7th Assessment District.

LOUIS BOULIGNY,.....2d " " H. DUCATEL,.....8th " "

E. L. TRACY,.....4th " " C. W. FASSY,.....9th " "

JOSEPH ETTER,.....5th " " E. SOMMEREAU,.....10th " "

F. CORREJOLLES,.....6th " " J. A. WATKINS,.....11th " "

J. J. BURNETT, 12th Assessment District.

CITY OF PHOENIX

REPORT OF THE

BOARD OF SUPERVISORS
FOR THE YEAR 1894

AS COMPILED BY THE
CITY CLERK

AND PUBLISHED BY THE
CITY OF PHOENIX

PRINTED BY THE
CITY OF PHOENIX

FOR THE YEAR 1894

BY THE CITY CLERK

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